**Approved Form under section 36 of the *Aboriginal Heritage Act 2006***

Application for a cultural heritage permit

for the purposes of the *Aboriginal Heritage Act 2006*

This form, approved by the Secretary, Department of Premier and Cabinet (“Secretary”), specifies the format in which an application must be prepared when seeking a cultural heritage permit under s. 36 of the *Aboriginal Heritage Act 2006* (the “AHA”).

The AHA prescribes an **Approval Body** in relation to an application for a cultural heritage permit. An Approval Body is:

1. the appointed Registered Aboriginal Party (“RAP”) for the area to which the permit application relates; or
2. if there is no appointed RAP – the Secretary; or
3. if the applicant is a RAP or the Secretary – the Victorian Aboriginal Heritage Council (“VAHC”).

An application for a cultural heritage permit must be made to the relevant “Approval Body” using this approved form. Applications must be accompanied by the prescribed fee (if any).

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| **Foreword** |
| A person may apply to the relevant Approval Body for a cultural heritage permit under the AHA if they propose to:* Disturb or excavate any land to uncover or discover Aboriginal cultural heritage;
* Carry out research on an Aboriginal place or Aboriginal object, including removing an Aboriginal object from Victoria for the purposes of that research;
* Carry out an activity that will, or is likely to, harm Aboriginal cultural heritage;
* Sell an Aboriginal object (where it was not made for the purpose of sale);
* Remove an Aboriginal object from Victoria;
* Rehabilitate land at an Aboriginal place, including land containing burial grounds for Aboriginal Ancestral Remains;
* Inter Aboriginal Ancestral Remains at an Aboriginal place.

A cultural heritage permit must not be granted for an activity which requires a cultural heritage management plan, or in respect of Aboriginal intangible heritage. A cultural heritage permit must not be granted in relation to Aboriginal Ancestral Remains or an Aboriginal object that is a secret or sacred Aboriginal object for any of the following:* an activity that will, or is likely to, harm Aboriginal cultural heritage;
* selling an Aboriginal object; or
* removing an Aboriginal object from Victoria.
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| **How to apply** |  |
| The Applicant must complete **SECTIONS 1-5** of this Form, as well as all relevant attachments as instructed by **SECTION 2**.It is the responsibility of the Applicant to ensure that all relevant sections of the Form are complete and contain the required information. The Approval Body may request in writing that the Applicant provide any additional information the body reasonably considers necessary to assist the Approval Body’s decision. Accordingly, and to avoid delays, it is strongly suggested that an Applicant consult with the relevant Approval Body **prior** to submitting an application.Applications must be submitted to the relevant Approval Body: |
| 1. **If the Approval Body is a Registered Aboriginal Party:**
* payment of the applicable fee must be made to the relevant RAP.
* ensure all **posted** items are addressed to the relevant RAP.
* Contact details for RAPs can be found on the [Aboriginal](http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/registered-aboriginal-parties) Victoria website
 | 1. **If the Approval Body is the Secretary:**

• payment of the applicable fee must be made via [https://achris.vic.gov.au/#/dashboard](https://achris.vic.gov.au/%23/dashboard)• ensure all **posted items** are addressed to:Director Heritage Services: First Peoples – State RelationsDepartment of Premier and CabinetGPO Box 4912**MELBOURNE VIC 3001****• email:** vahr@dpc.vic.gov.au | 1. **If the Approval Body is the Victorian Aboriginal Heritage Council:**
* make any cheques payable to:

Victorian Aboriginal Heritage Council* ensure all **posted items** are addressed to:

Victorian Aboriginal Heritage CouncilGPO Box 4912**MELBOURNE VIC 3001*** **email**: vahc@dpc.vic.gov.au
 |
| **Note: Pursuant to section 41D of the AHA, a cultural heritage permit takes effect only when a copy of the approved permit is lodged with the Secretary after being approved by the relevant approval body.** To lodge a copy of an approved cultural heritage permit, use one of the options outlined in **box b)** above.A unique identification reference will be issued by First Peoples – State Relations on receipt of an approved cultural heritage permit.**Amending a cultural heritage permit**An application to amend a cultural heritage permit is the same as a new application for a cultural heritage permit, therefore, a person seeking an amendment to their permit must also complete this form. |

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| **SECTION 1 – Applicant information** |
| Person responsible for carrying out the activity and to whom the permit would be granted: |
| Name of Applicant: |  |
| Business name: |  |
| Postal address: |  |
| Telephone number: |  |
| Email address: |  |
| ABN (if any): |  |
| ACHRIS payment receipt number (if applicable |  |
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| **SECTION 2 – Purpose of application** |
| In accordance with s.36(1) of the AHA, please indicate the purpose for which the Applicant seeks a cultural heritage permit and complete the appropriate Attachment. |
|  | Check applicable box(es) | Applicable fee\* | $ amount |
| * To disturb or excavate any land for the purpose of uncovering or discovering Aboriginal cultural heritage.

***(Complete Attachment A)*** | 🗆 |  8 fee units | 122.32 |
| * To carry out research on an Aboriginal place or Aboriginal object, including the removal of an Aboriginal object from Victoria for the purpose of that research.

***(Complete Attachment A)***  | 🗆 |  8 fee units | 122.32 |
| * To carry out an activity that will, or is likely to, harm Aboriginal cultural heritage.

***(Complete Attachment B)*** | 🗆 |  46 fee units | 703.34 |
| * To sell an Aboriginal object.

***(Complete Attachment C)*** | 🗆 |  13 fee units | 198.77 |
| * To remove an Aboriginal object from Victoria.

***(Complete Attachment D)*** | 🗆 |  13 fee units | 198.77 |
| * To rehabilitate land at an Aboriginal place including land containing burial grounds for Aboriginal Ancestral Remains.

***(Complete Attachment E)*** | 🗆 |  No fee |  |
| * To inter Aboriginal Ancestral Remains at an Aboriginal place.

***(Complete Attachment F)*** | 🗆 |  No fee |  |
|  |  | ***Total Amount*** | **$** |
|  |  |  | ***(excludes GST)*** |

\* Prescribed fees are established by the Aboriginal Heritage Regulations 2018. Refer to the First Peoples – State Relations website for the current value of a fee unit.

\*\* Pursuant to regulation 69(2) of the Aboriginal Heritage Regulations 2018, any application made for a cultural heritage permit in relation to two or more of the matters referred to in section 2 of this form will attract the sum of fees for each of those matters.

**This form may be used with a tax invoice (if applicable) when fully completed and payment is made**

Refer to the [Australian Taxation O](https://www.ato.gov.au/Business/GST/Issuing-tax-invoices/?anchor=Requirementsoftaxinvoices#Requirementsoftaxinvoices)ffice website for information on the requirements of tax invoices.

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| **SECTION 3 – Person lodging application (if applicable)** |
| If the cultural heritage permit is being sought by another person / organisation on behalf of the Applicant: |
| Name of representative: |  |
| Business name: |  |
| Postal address: |  |
| Telephone number: |  |
| Email address: |  |
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| **SECTION 4 – Declaration by Applicant** |
| I certify that, to the best of my knowledge and belief, the information supplied in this application is correct and complete. I am aware that any cultural heritage permit issued in response to this application may include conditions required by the Secretary or the Registered Aboriginal Party or the Victorian Aboriginal Heritage Council. I agree to indemnify the Registered Aboriginal Party, the Victorian Aboriginal Heritage Council, the Secretary, the Minister and the Crown against all claims, damages, costs, liabilities or loss including in relation to all actions, claims or demands which may be made in connection with the issue of any permit as a result of this application. |
| Signed: |  |  Date: / / |
|  |  [Applicant named in Section 1 of this form] |
| **SECTION 5 – Application checklist** |
| 🗆 | Sign the Declaration by Applicant at SECTION 4 of this form  |
| 🗆 | Include appropriate application fee (if any) |
| 🗆 | ACHRIS payment receipt number included at Section 1 (for applications to the Secretary) |
| 🗆 | Appropriate Attachment(s) are fully completed (see SECTION 2 of this form) |

Attachment A

**Application for a cultural heritage permit to disturb or excavate any land to uncover or discover Aboriginal cultural heritage, or to carry out research on an Aboriginal place or Aboriginal object under sections 36(1)(a) or (b) of the *Aboriginal Heritage Act 2006*.**

Note: the disturbance, excavation or research for which a permit is required under s.36(1)(a) or (b) of the AHA is referred to as the “project” in this Attachment. The project description provided here is the basis on which all decisions under the AHA will be made, including whether a permit will be granted. It is therefore important that the description is complete and includes all components and activities that will be associated with the project.

Attach additional sheets where further space is required.

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| 1. **Project name**
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| 1. **Purpose of the project**
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| 🗆 | Exploratory testing | 🗆 | Salvage | 🗆 | Research |
| 1. **Land tenure**
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| 🗆 | Freehold | 🗆 | Crown |
| 1. **Contact details for land owner / manager (where different to Applicant)**
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| 1. **Address of the land**
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| Provide a street address and **one** of the Formal Land Descriptions. |
| **Street Address:** |  |
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| **Formal Land Description:** | **A** | Lot No: |  |  Plan No: |  |
| (Complete either A or B) | OR |  |  |
|  | **B** | Crown Allotment No: |  |  Section No: |  |
|  |  | Parish/Township Name: |  |
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| 1. **Application plan**
 |
| 🗆 | Attach a plan of the land subject to the permit application, drawn to scale, with dimensions and a North arrow, showing the location of proposed disturbance or excavation or the location of research, and the boundaries of the area of land on which the project will take place. |
| 1. **Project location**
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| (a centrally located point presented using GDA94 coordinates) |
| Projection zone: 🗆54 🗆55 |  |  |
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| 1. **Victorian Aboriginal Heritage Register details (where previously recorded)**
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| **ID Number** | **Name** |
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| 1. **Description of project**
 |
| Include information regarding the: |
| * Nature of the Aboriginal cultural heritage (where known)
 | * Proposed methodology
 |
| * Likely impact of the project on Aboriginal cultural heritage
 | * Relationship of methodology to the aims of the project
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| * Land use history (if relevant)
 | * Proposals for the supervision of the project by an appropriately qualified and/or experienced person
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| 🗆For an application to carry out research, a full research proposal must be attached |
| 1. **Describe any arrangements that have been made to:**
 |
| * Minimise harm to the Aboriginal cultural heritage
 |
| * Document and manage any Aboriginal cultural heritage found during the project
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| 1. **Provide details of any consultation undertaken with relevant Aboriginal persons or bodies in relation to this application**
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| 1. **Time frame for project**
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| Start date: / /  | Finish date: / / |
| 1. **Checklist**
 |
| The following items must be submitted with an application: |
| 🗆 | Figures, maps (to scale, and including north arrow), or aerial photographs showing the location of the project |
| 🗆 | Application plan (drawn to scale, with dimensions) |
| 🗆 | A list of any documents and source materials relied upon for the preparation of this application |
| 🗆 | Copies of any relevant technical reports that may assist in the consideration of this application |
| 🗆 | For an **application to carry out research**, the research proposal must be attached |
| 🗆 | Evidence of any consultation undertaken with a relevant Aboriginal person or body in relation to this application |

Attachment B

**Application to carry out an activity that will, or is likely to, harm Aboriginal cultural heritage under section 36(1)(c) of the *Aboriginal Heritage Act 2006*.**

Note: the activity that will harm, or is likely to harm, Aboriginal cultural heritage for which a permit is required under s.36(1)(c) of the AHA is referred to as the “activity” in this Attachment. The description provided here is the basis on which all decisions under the Act will be made, including whether a permit will be granted. It is therefore important that the description is complete and includes all components and actions that will be associated with the activity.

If the grant of a permit would allow harm or allow an act that is likely to harm Aboriginal cultural heritage, before granting the permit the approval body must give consideration to:

* the nature of the Aboriginal cultural heritage,
* the impact, or likely impact, of the activity on the Aboriginal cultural heritage; and
* the extent to which any harm to the Aboriginal cultural heritage could be minimised.

Attach additional sheets where further space is required.

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| 1. **Description of the proposed activity**
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| 1. **Contact details for land owner / manager (in relation to Aboriginal place) or owner / custodian (in relation to an Aboriginal object) where this person is not the Applicant**
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| 1. **Land tenure\***
 |
| 🗆 | Freehold | 🗆 | Crown |
| 1. **Address of the land\***
 |
| Provide a street address and **one** of the Formal Land Descriptions. |
| **Street Address** |  |  |
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| **Formal Land Description** | **A** | Lot No. |  |  Plan No. |  |
| (Complete either A or B) | OR |  |  |  |
|  | **B** | Crown Allotment No. |  |  Section No. |  |
|  |  | Parish/Township Name: |  |
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| 1. **Plan and description of the area/s of land where the activity will take place\***
 |
| 🗆 | Attach a **plan** of the land subject to the permit application, drawn to scale, with dimensions, showing the location of proposed works involved in the activity, the boundaries of the area of land on which the activity will take place, and the extent of Aboriginal cultural heritage on that land |
| Description: |
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| 1. **Victorian Aboriginal Heritage Register details**
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| **ID Number** | **Name** |
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| ***\* For any project relating to an Aboriginal cultural heritage place located on land or waters in Victoria.*** |
| 1. **Provide a detailed description of the Aboriginal cultural heritage which is the subject of this application**
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| 1. **Describe the nature and extent of any archaeological deposits (where known)**
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| 1. **Describe the likely impact of the activity on the Aboriginal cultural heritage**
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| 1. **Describe any arrangements that have been made to:**
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| * Minimise harm to the Aboriginal cultural heritage.
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| * Document and manage any Aboriginal cultural heritage found during the activity.
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| * Supervise the conduct of the activity by an appropriately qualified and/or experienced person.
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| 1. **Provide details of any consultation undertaken with relevant Aboriginal persons or bodies in relation to this application**
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| 1. **Time frame for activity**
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| Start date: / /  | Finish date: / / |
| 1. **Checklist**
 |
| The following items must be submitted with an application: |
| 🗆 | Figures, maps (to scale, and including north arrow), or aerial photographs showing the location of the activity |
| 🗆 | Activity plan (drawn to scale, with dimensions) |
| 🗆 | Copies of any technical reports that may assist in the consideration of this application |
| 🗆 | A photograph of each Aboriginal place or object (or group of Aboriginal places or objects) subject of the application |
| 🗆 | Evidence of any consultation undertaken with a relevant Aboriginal person or body in relation to this application |
| 🗆 | Copies of any completed Place Inspection Form(s) / Record Edit(s), including evidence of verification by the Aboriginal Heritage Registrar |

Attachment C

**Application for a cultural heritage permit to sell an Aboriginal object under section 36(1)(d) of the *Aboriginal Heritage Act 2006*.**

Note: the description of the Aboriginal object here is the description on which all decisions under the AHA will be made, including whether a permit will be granted. It is therefore important that the description of the Aboriginal object and the purpose for its sale is complete.

Attach additional sheets where further space is required.

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| 1. **Provide a detailed description of the Aboriginal object(s) which is the subject of the application**
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| 1. **Provide details regarding the history of the object, including information about:**
 |
| * Its place of origin if known (attach a map indicating this location).
 |
| * The history of the object (particularly information regarding its manufacture, ownership and use).
 |
| * Its current location and ownership.
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| 1. **Describe what arrangements will be made to minimise any harm to the object(s) during the conduct of the sale**
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| 1. **Provide the contact details of the person who can arrange access to the Aboriginal object for inspection and assessment (if different to the Applicant)**
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| 1. **Information sources and attachments**
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| * You must attach photographs showing the Aboriginal object(s) (preferably from multiple angles).
 |
| * If relevant, provide a list of documents and source materials relied upon when preparing this application.
 |
| * Provide details about the reliability of information referred to in the preparation of this application.
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| 1. **Provide details of any consultation undertaken with relevant Aboriginal persons or bodies in relation to this application**
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| 1. **Checklist**
 |
| If relevant, attach: |
| 🗆 | A map indicating the location of the Aboriginal object(s)’ point of origin |
| 🗆 | Photographs showing the Aboriginal object |
| 🗆 | Evidence of any consultation undertaken with a relevant Aboriginal person or body in relation to this application |

***Note: The export of Aboriginal objects from Australia is governed by separate Commonwealth legislation – the* Protection of Movable Cultural Heritage Act 1986*. Applicants for a permit to sell an Aboriginal object should contact the relevant Commonwealth department to ensure they are complying with their responsibilities under that Act.***

Attachment D

**Application for a cultural heritage permit to remove an Aboriginal object from Victoria under section 36(1)(e) of the *Aboriginal Heritage Act 2006*.**

Note: the description of the Aboriginal object here is the description on which all decisions under the AHA will be made, including whether a permit will be granted. It is therefore important that the description of the Aboriginal object and the purpose of its removal is complete.

Attach additional sheets where further space is required.

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| 1. **Provide a detailed description of the Aboriginal object(s) which is the subject of the application**
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| 1. **Provide details regarding the history of the object, including information about:**
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| * Its place of origin if known (attach a map indicating this location).
 |
| * The history of the object (particularly information regarding its manufacture, ownership and use).
 |
| * Its current location and ownership.
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| 1. **Describe any likely impact removal may have on the Aboriginal object(s) and, if relevant, what arrangements will be made to minimise any harm**
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| 1. **Provide the contact details of the person who can arrange the inspection and assessment of the Aboriginal object (if different to the Applicant)**
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| 1. **Provide details about:**
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| * Why the Aboriginal object is being removed from Victoria.
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| * Where the Aboriginal object will be taken.
 |
| * Any arrangements that have been made for the care and preservation of the Aboriginal object once it has been removed from Victoria.
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| * The period of time the Aboriginal object will be outside Victoria (if the planned removal is permanent, please specify the reasons why).
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| 1. **Information sources and attachments**
 |
| * You must attach photographs showing the Aboriginal object(s) (preferably from multiple angles).
 |
| * If relevant, provide a list of documents and source materials relied upon when preparing this application.
 |
| * Provide details about the reliability of information referred to in the preparation of this application.
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| 1. **Provide details of any consultation undertaken with relevant Aboriginal persons or bodies in relation to this application**
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| 1. **Checklist**
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| If relevant, attach: |
| 🗆 | A map indicating the location of the Aboriginal object’s point of origin |
| 🗆 | Photographs showing the Aboriginal object |
| 🗆 | A list of documents and source material relied on in the preparation of this application |
| 🗆 | Evidence of any consultation undertaken with a relevant Aboriginal person or body in relation to this application |

***Note: The export of Aboriginal objects from Australia is governed by separate Commonwealth legislation – the* Protection of Movable Cultural Heritage Act 1986*. Applicants for a permit to remove an Aboriginal object from Australia should contact the relevant Commonwealth department to ensure they are complying with their responsibilities under that Act.***

Attachment E

**Application for a cultural heritage permit to rehabilitate land at an Aboriginal place, including land containing burial grounds for Aboriginal Ancestral Remains under section 36(1)(f) of the *Aboriginal Heritage Act 2006*.**

Note: under the AHA, ‘rehabilitate’, in relation to land, means works using hand tools:

* to improve the condition of the land; or
* to prevent degradation or erosion of the land; or
* to revegetate the land.

If the application is to rehabilitate land containing burial grounds for Aboriginal Ancestral Remains, the Ancestral Remains Unit of the Victorian Aboriginal Heritage Council may be contacted for general advice regarding the protection of Aboriginal burials and Ancestral Remains:

Ph: 03 7004 7209 or 0437 956 520 or Email: ancestral.remains.unit@dpc.vic.gov.au

Attach additional sheets where further space is required.

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| 1. **Description of the proposed works to rehabilitate land at an Aboriginal place**
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| 1. **Contact details for land owner / manager where this person is not the Applicant**
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| 1. **Land tenure**
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| 🗆 | Freehold | 🗆 | Crown |
| 1. **Address of the land**
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| Provide a street address and **one** of the Formal Land Descriptions. |
| **Street Address** |  |  |  |  |  |  |
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| **Formal Land Description** | **A** | Lot No. |  |  |  Plan No. |  |  |
| (Complete either A or B) | OR |  |  |  |  |  |
|  |  | **B** | Crown Allotment No. |  |  Section No. |  |  |
|  |  |  | Parish / Township Name: |  |  |  |  |
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| 1. **Plan and description of the area(s) of land where the rehabilitation works will take place**
 |
| 🗆 | You must attach a plan of the land subject to the permit application, drawn to scale, with dimensions, showing the location of proposed works involved in the activity, the boundaries of the area of land on which the works will take place, and the extent of Aboriginal cultural heritage on that land. |
| Description: |
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| 1. **Victorian Aboriginal Heritage Register details**
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| **ID Number** | **Name** |
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| 1. **Provide a detailed description of the Aboriginal cultural heritage which is the subject of this application**
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| 1. **Describe the likely impact of the works to rehabilitate land on the Aboriginal cultural heritage**
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| 1. **Describe any arrangements that have been made to:**
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| * Avoid impacts to the Aboriginal cultural heritage during the works.
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| * Document and manage any Aboriginal cultural heritage found during the works.
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| * Supervise the conduct of the works by an appropriately qualified and/or experienced person.
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| 1. **Provide details of any consultation undertaken with relevant Aboriginal persons or bodies in relation to this application**
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| 1. **Time frame for works**
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| Start date: / /  | Finish date: / / |
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| 1. **Checklist**
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| The following items must be attached to an application: |
| 🗆 | Figures, maps (to scale, and including north arrow), or aerial photographs showing the location of the activity |
| 🗆 | Works plan (drawn to scale, with dimensions) |
| 🗆 | A photograph of each Aboriginal place (or group of Aboriginal places) subject of the application |
| 🗆 | Evidence of any consultation undertaken with a relevant Aboriginal person or body in relation to this application |
| 🗆 | Copies of any completed Place Inspection Form(s) / Record Edit(s), including evidence of verification by the Aboriginal Heritage Registrar |

Attachment F

**Application for a cultural heritage permit to inter Aboriginal Ancestral Remains at an Aboriginal place under section 36(1)(g) of the *Aboriginal Heritage Act 2006*.**

Note: the Ancestral Remains Unit of the Victorian Aboriginal Heritage Council may be contacted for general advice regarding the protection of Aboriginal burials and Ancestral Remains:

Ph: 03 7004 7209 or 0437 956 520 or Email: ancestral.remains.unit@dpc.vic.gov.au

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| 1. **Contact details for land owner / manager where this person is not the Applicant**
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1. **Land tenure**

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| 🗆 | Freehold | 🗆 | Crown |
| 1. **Address of the Land**
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| Provide a street address and **one** of the Formal Land Descriptions.  |
| **Street Address** |  |  |  |  |  |  |
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| **Formal Land Description** | **A** | Lot No. |  |  | Plan No. |  |
| (Complete either A or B) | OR |  |  |  |  |  |
|  | **B** | Crown Allotment No. |  |  | Section No. |  |
|  |  | Parish/Township Name |  |  |  |  |

1. **Victorian Aboriginal Heritage Register details**

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| --- | --- |
| **ID Number** | **Name** |
|  |  |
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| 1. **Provide details of any consultation undertaken with relevant Aboriginal persons or bodies in relation to this application**
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