

Our ref: DOC25/735769

Sam Isaacs

Senior Project Manager

Port Authority of NSW

Level 4, 20 Windmill Street

WALSH BAY NSW 2000

sisaacs@portauthoritynsw.com.au

Subject: Aboriginal Heritage Impact Permit 5456 - Hornby Lighthouse ground remediation and drainage improvement works

Dear Sam

Thank you for your application for an Aboriginal Heritage Impact Permit under section 90 of the *National Parks and Wildlife Act 1974* received on 26 June 2025. Additional information was received on 13 October 2025 and 21 October 2025.

I understand that the proposed development involves ground remediation and drainage improvement works and all associated works as documented in your Aboriginal Heritage Impact Permit application and Review of Environmental Factors dated 18 September 2025.

Your application has been assessed and approved. Your Aboriginal Heritage Impact Permit is attached.

Aboriginal cultural heritage is important and irreplaceable. Please be aware of your responsibilities in relation to Aboriginal cultural heritage and the conditions of the attached permit.

Advice

Your works may need approval from other local, State or Commonwealth government authorities.

You may need to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

The Aboriginal Heritage Impact Permit holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Section 164 of the *National Parks and Wildlife Act 1974* allows authorised officers to enter land if they suspect that an offence has been or is being committed.

Right of appeal

Under section 90L of the *National Parks and Wildlife Act 1974*, the Aboriginal Heritage Impact Permit holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this Aboriginal Heritage Impact Permit. The appeal must be lodged within 21 days of the date this Aboriginal Heritage Impact Permit was issued.

If you require any further assistance do not hesitate to contact Sam Allen, Senior Assessments Officer, at Heritage NSW on (02) 6229 7010 or sam.allen@dcceew.nsw.gov.au.

Yours sincerely



Kym McNamara
Strategic Manager ACH Approvals
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*

26 November 2025

Cc: Miguel Frolich, Port Authority of NSW – mfrohlich@portauthoritynsw.com.au

Cc: Ryan Bennett, Port Authority of NSW - rbennett@portauthoritynsw.com.au

Cc: Francisca Alvarez, Port Authority of NSW – falvarez@portauthoritynsw.com.au

Aboriginal Heritage Impact Permit: 5456

Aboriginal Heritage Impact Permit issued to:

Newcastle Port Corporation

T/A: Port Authority of NSW

ABN: 50 825 884 846

Level 4, 20 Windmill Street

WALSH BAY NSW 2000

Additional details for Public Register

Name of development or project	Hornby Lighthouse ground remediation and drainage improvement works
Location	Lot 415 DP 752011 Part Lot 1 DP 605078
Local government area(s)	Woollahra
Description of harm authorised	Harm to certain Aboriginal objects through the proposed works
Aboriginal Heritage Impact Permit commencement date and duration	Commencement date: 26 November 2025 Duration: 1 year

Aboriginal Heritage Impact Permit to Harm Aboriginal objects

Part A. Aboriginal Heritage Impact Permit issued subject to conditions

This Aboriginal Heritage Impact Permit is issued pursuant to section 90 of the *National Parks and Wildlife Act 1974*. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this Aboriginal Heritage Impact Permit.

An Aboriginal Heritage Impact Permit is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this Aboriginal Heritage Impact Permit.

*Note: a dictionary defining terms used in this document are in Appendix A.

Part B. Commencement and duration of Aboriginal Heritage Impact Permit

This Aboriginal Heritage Impact Permit commences on the date it is signed unless otherwise provided by this Aboriginal Heritage Impact Permit.

Unless otherwise revoked in writing, this Aboriginal Heritage Impact Permit remains in force for 1 year from the date of commencement.

Part C. Proposed works

The works proposed under determined REF (MWREF – Hornby Lighthouse ground remediation & drainage improvement works, 24 September 2025) will consist of:

- removing contaminated soil from around the Hornby Lighthouse
- improving on-site drainage
- reinstating the area with clean material to protect the structure and manage water flow.
- minor excavation
- offsite disposal of contaminated soil
- installation of drainage infrastructure
- surface reinstatement.

All construction activities will occur within a small fenced-off area surrounding the lighthouse and will use light-impact equipment (primarily hand tools and a small excavator, if required).

Part D. Land to which this Aboriginal Heritage Impact Permit applies

The land to which this Aboriginal Heritage Impact Permit applies is that land bound by the red outline and listed grid references in Attachment 1.

Part E. Conditions

The conditions of this Aboriginal Heritage Impact Permit specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, detailed in the schedules that follow.

Any requirement to provide written notice to Heritage NSW may be complied with by emailing the notice to heritagemailbox@environment.nsw.gov.au.

Condition number	Condition
Persons undertaking actions or works covered by this Aboriginal Heritage Impact Permit	
1	The Aboriginal Heritage Impact Permit holder must ensure that all persons involved in actions or works covered by this Aboriginal Heritage Impact Permit (whether employees, contractors, sub-contractors, agents, or invitees) are made aware of and comply with the conditions of this Aboriginal Heritage Impact Permit.
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 Aboriginal Heritage Impact Permit holder, all the actions relating to this Aboriginal Heritage Impact Permit.
3	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.
Notification of registered Aboriginal parties	
4	A copy of this Aboriginal Heritage Impact Permit must be provided to each registered Aboriginal party, within 14 days of receipt of the Aboriginal Heritage Impact Permit from Heritage NSW and at least 7 days before the start of works under this Aboriginal Heritage Impact Permit.
5	Where this Aboriginal Heritage Impact Permit is varied or transferred, a copy of the Aboriginal Heritage Impact Permit variation or transfer notice must be provided to each registered Aboriginal party, within 14 days of receipt of the notice.
Indemnity	
6	This Aboriginal Heritage Impact Permit holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the <i>National Parks and Wildlife Act 1974</i> , the Department Secretary, and their employees, agents, and contractors, in the absence of any wilful 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

Condition number	Condition
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	b. Injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this Aboriginal Heritage Impact Permit.
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Breach of Aboriginal Heritage Impact Permit conditions

7	<p>The Aboriginal Heritage Impact Permit holder must notify Heritage NSW on heritagemailbox@environment.nsw.gov.au and the NSW Environment Line on 131 555 or info@environment.nsw.gov.au in writing within 48 hours after becoming aware of:</p> <p>a. Any contravention of s.86 of the <i>National Parks and Wildlife Act 1974</i> not authorised by an Aboriginal Heritage Impact Permit, and/or</p> <p>b. Any contravention of the conditions of this Aboriginal Heritage Impact Permit.</p> <p>Where Heritage NSW suspects that an incident has occurred which may have breached the <i>National Parks and Wildlife Act 1974</i> or Aboriginal Heritage Impact Permit, Heritage NSW and/or Authorised Officer appointed under the <i>National Parks and Wildlife Act 1974</i> may request a written incident report, which includes the following:</p> <p>a. the nature of the incident</p> <p>b. the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places</p> <p>c. the nature and location of these Aboriginal objects/or Aboriginal places, referring to and providing maps and photos where appropriate</p> <p>d. any conditions of an Aboriginal Heritage Impact Permit which may have been breached, and</p> <p>e. the measures which have been take or will be taken to prevent a recurrence of the incident.</p> <p>The incident report must be provided to the Heritage NSW office within the timeframe specified in the request.</p>
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Human remains

8	All human remains in, on or under the land must not be harmed.
9	<p>If any human remains (other than any human remains described in the attached schedule) are discovered and/or harmed in, on or under the land, the Aboriginal Heritage Impact Permit holder must:</p> <p>a. Not further harm these remains</p> <p>b. Immediately cease all work at the location</p> <p>c. Secure the area to avoid further harm to the remains</p>

Condition number	Condition
	<p>d. Notify the local police and the NSW Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and</p> <p>e. Not recommence any work at the location unless authorised in writing by Heritage NSW.</p>
Prevention of harm	
10	All personnel involved in the proposed works must participate in Aboriginal cultural heritage awareness training before undertaking any works.
Harm	
Harm through the proposed works	
11	The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorises harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or ‘no-harm areas’).
Harm report	
12	<p>A report must be prepared about the actions relating to the harm of Aboriginal objects (as permitted by this Aboriginal Heritage Impact Permit). The report must:</p> <ul style="list-style-type: none"> 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 Aboriginal Heritage Impact Permit c. provide details of the Aboriginal objects which were fully or partially harmed while undertaking the actions d. comment on the effectiveness of any mitigation measures that were implemented e. comment on the effectiveness of any management plan which was in place f. 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 g. detail the results of any analysis of Aboriginal objects h. detail the long-term management arrangements for any Aboriginal objects, and i. include a statement confirming that all Aboriginal Site Impact Recording Forms have been completed and submitted.
13	The report must be submitted to Heritage NSW heritagemailbox@environment.nsw.gov.au and the Aboriginal Heritage Information Management System Registrar ahims@environment.nsw.gov.au within 4 months of the completion of the actions.

Condition number	Condition
14	A copy of the report including a summary of the report in plain English must be sent to each registered Aboriginal party within 14 days of the report being submitted to Heritage NSW.
Long term management	
15	If objects are to be transferred under a Care and Control Agreement to an Aboriginal person or organisation representing Aboriginal people in accordance with section 85A(1)(c) of the <i>National Parks and Wildlife Act 1974</i> an application for a Care and Control Agreement must be completed.
16	If reburial is to be undertaken of objects Requirement 26 'Stone artefact deposition and storage' in the <u><i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i></u> , must be complied with unless the registered Aboriginal parties agree to an alternative deposition method.
Aboriginal site impact recording form	
17	<p>Aboriginal Site Impact Recording Form must be completed and submitted online to the Aboriginal Heritage Information Management System Registrar, for each Aboriginal Heritage Information Management System site identified in Schedule B and C, within 4 months of the completion of the harm authorised by this Aboriginal Heritage Impact Permit.</p> <p>Note:</p> <ul style="list-style-type: none"> • The Aboriginal Site Impact Recording Form must be updated with information about the site in each relevant field. Reference to a report is not an acceptable substitute for site information. • The Aboriginal Site Impact Recording Form can be found here • Details for the Aboriginal Heritage Information Management System Registrar and accessing the online system can be found here.

Schedule A: Aboriginal Objects that must not be harmed

A1. Human remains

All human remains in, on or under the land must not be harmed.

A2. Aboriginal objects that are identified on Aboriginal Heritage Information Management System

Not applicable.

A3. No-harm areas

Not applicable.

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

B1. Movement only

Not applicable.

B2. Salvage excavations

Not applicable.

B3. Community collection

Not applicable.

B4. Other

Not applicable.

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 Aboriginal Heritage Impact Permit (excluding any Aboriginal objects described in Schedule A).

C1. Harm of Aboriginal objects identified on Aboriginal Heritage Information Management System

Portion of site (whole or part)	AHIMS site number	Site feature	Site name	Restricted access (Y/N)	Easting	Northing	Datum and zone
Part	45-6-0715	Art	South Head Site E;Sydney Harbour National Park;Hornby Lighthouse;	N	340932	6254986	GDA 56

***Note** – in this context “part” means “that part of the site that is within the land to which this Aboriginal Heritage Impact Permit applies”

C2. Areas where harm of Aboriginal Objects is authorised

- All Aboriginal objects in, on or under the land which is identified by the red outline on the Land to which this Aboriginal Heritage Impact Permit applies - Attachment 1.

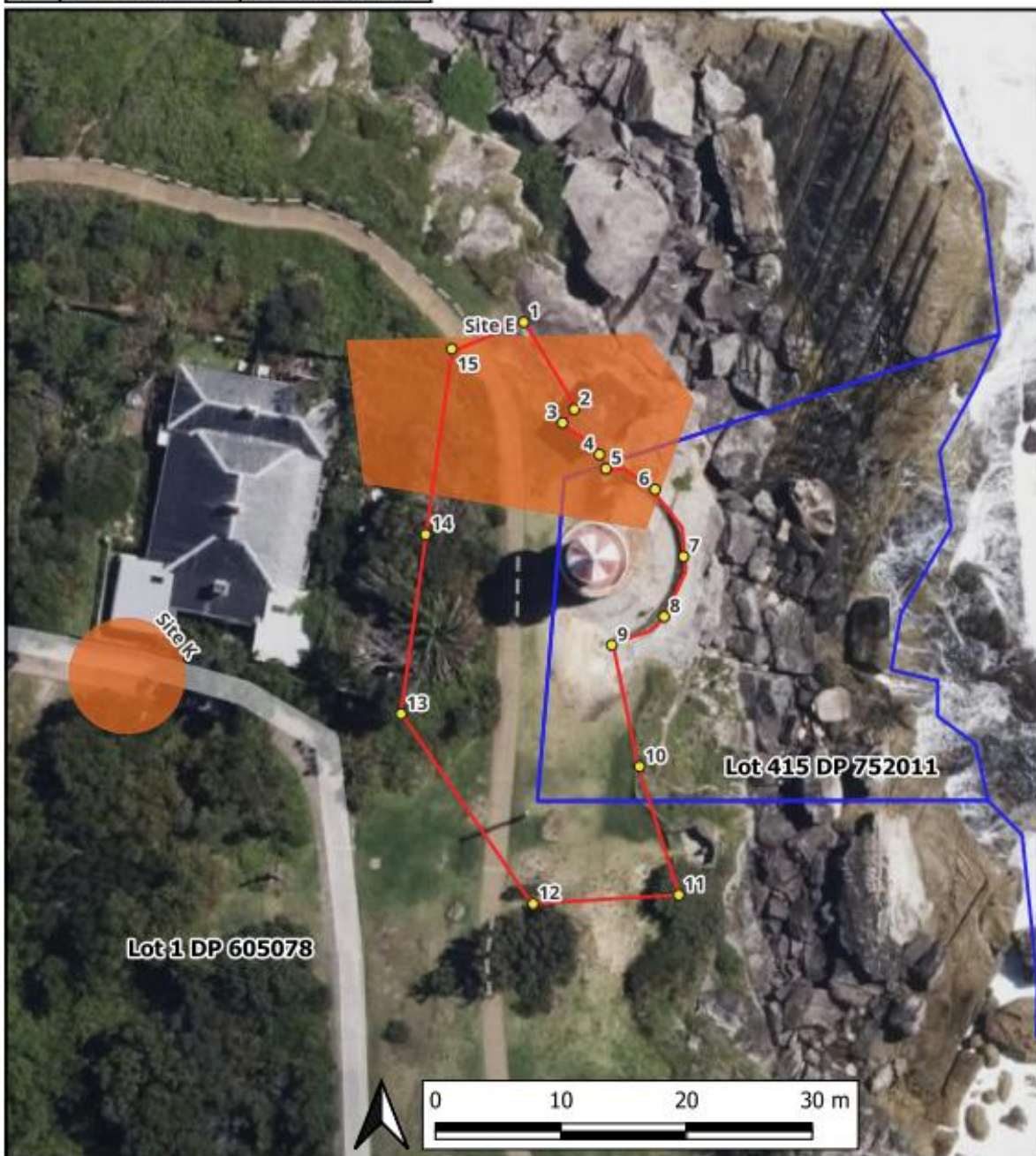
Attachment 1: Land to which this Aboriginal Heritage Impact Permit applies

Hornby Lighthouse

Point	Easting	Northing
1	340929.9493764171	6254987.6287725754
2	340934.0854784196	6254980.7840161044
3	340933.1765513779	6254979.6921337843
4	340936.1537451784	6254977.2295962665
5	340936.6875396041	6254976.1105508907
6	340940.6285795187	6254974.5357275177
7	340942.9834375781	6254969.2428802764

Legend

- AHIP area
- AHIP vertices locations
(see table for grid references)
- Site 45-6-0715 recorded elements
approximate locations
- Cadastral boundaries



Appendix A: Dictionary

In this Aboriginal Heritage Impact Permit, unless the contrary is indicated, the terms below have the following meanings:

Aboriginal object	has the same meaning as in the <i>National Parks and Wildlife Act 1974</i>
AHIMS	means the Aboriginal Heritage Information Management System maintained by Heritage NSW, as defined in section 90Q of the <i>National Parks and Wildlife Act 1974</i>
AHIP	means Aboriginal Heritage Impact Permit
Aboriginal Heritage Impact Permit holder	means the entity or person listed on the cover page under the heading “Aboriginal Heritage Impact Permit 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 more registered Aboriginal parties or their representatives
Community collection area	means an area described as a community collection area in relevant schedule
Department Secretary	means the Secretary of the NSW Government Department with current responsibility for the <i>National Parks and Wildlife Act 1974</i>
No-harm area	means those areas described in relevant schedule
Proposed works	means the works described in the table at the front of this Aboriginal Heritage Impact Permit under C. Proposed works.
Public register	means the public register established under section 188F of the <i>National Parks and Wildlife Act 1974</i> , that contains details of Aboriginal Heritage Impact Permits issued by Heritage NSW, as described under the heading “Additional details for Public Register”
Registered Aboriginal parties	means registered Aboriginal parties listed in the application
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as per conditions of this Aboriginal Heritage Impact Permit. The purpose of salvage excavation is to recover a sample of Aboriginal objects as a record of Aboriginal life from a site that will be destroyed
Salvage excavation area	means any area described as a salvage excavation area in the relevant schedule
Test excavation	means an archaeological excavation carried out in accordance with methodology accompanying the application, as per conditions of this Aboriginal Heritage Impact Permit. The purpose of test excavation is to collect a sample of 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 in the relevant schedule