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| **PERMIT APPLICATION**  **For a Permit issued**  **under Section 28 (2) and (3), *Heritage Places Act 1993***  **[Alter, damage, destroy or dispose of objects entered on the State Heritage Register]** |

**SUMMARY OF PERMIT APPLICATION**

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| **APPLICANT** |

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| **TITLE:**  **(Mr/Mrs/Ms/Dr/Prof)** |  | **FIRST NAME:** |  | **LAST NAME:** |  |

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| **ORGANISATION:**  **(If applicable)** |  |

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| **ACTIVITY DETAILS** |

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| **PROJECT TITLE:** |  |

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| **IS THIS A NEW APPLICATION OR A RENEWAL?** |  | **New** |  | **Renewal** |

**If a renewal, please provide the original Permit No. and details of any changes to the previous Permit Application below. Also attach copies of any outstanding Project Reports (as required under the Standard Permit Conditions of the original Permit).**

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| **PRIMARY ACTIVITY:** |  | **Damage** |  | **Destruction** |  | | **Disposal** | |
|  | | | | | | | |
|  | **Alteration** |  |  |  | |  | |
|  | | | | | | | |
| **NAME OF STATE HERITAGE PLACE/OBJECT:** |  | | | | | **SA HERITAGE REGISTER NO.** | |  |

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| **ACTIVITY DURATION:** | ….. / ….. / ….. | **Expected Activity**  **Start Date** | ….. / ….. / ….. | **Expected Activity**  **Finish Date** | |
| **Refer to Attachment 2 (Item 6 ‘Activity Duration’) for further requirements** | | | | |

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| ISSUED BY: | Manager, Heritage South Australia, Department for Environment and Water  Delegate of the South Australian Heritage Council  **April 2022** |

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| **PERMIT APPLICATION** |

**To undertake research on a place or object of particular significance or to disturb land potentially containing or known to contain archaeological remains of heritage significance.**

1. **Section 28** – A person must not, without a permit from the Council, damage, destroy or dispose of an object entered in the South Australian Heritage Register.

A person must not, without a permit from the Council, alter an object entered in the South Australian Heritage Register in a way that would materially affect its heritage significance.

**Maximum penalty: $75,000**

1. **Once completed, this permit application should be sent to the Permit Officer, Heritage South Australia, DEW:**

**BY POST: BY EMAIL:**

Department for Environment and Water [DEWHeritage@sa.gov.au](mailto:DEWHeritage@sa.gov.au)

GPO Box 1047

ADELAIDE SA 5001

1. **The application will not be processed until the permit application fee has been processed.**

For payment options, refer to Attachment 1.

**All sections of this form must be completed, with relevant signatures. Failure to complete the form may result in delays in processing the application.**

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| **1. APPLICANT DETAILS** |

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| **TITLE:**  **(Mr/Mrs/Ms/Dr/Prof)** |  | **FIRST NAME:** |  | **LAST NAME:** |  |

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| **ORGANISATION:**  **(If applicable)** |  |

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| **STREET ADDRESS or PO BOX NO.:** |  |

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| **SUBURB:** |  | **STATE:** |  | **POSTCODE:** |  |

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| **EMAIL ADDRESS:** |  |

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| **PHONE NOS.:** | **Business:** |  | **Mobile:** |  |

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| **SIGNATURE OF THE APPLICANT:** |  |  |  |
| **DATE:** | ….. / ….. / ….. |

**Note: Signing and submitting this application means that you agree to the standard conditions outlined in Attachment 2, which will be reflected in the issued permit.**

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|  | **YES** |  | **NO** |
| **Is the applicant the owner of the object? If no, the owner must provide signed authorisation in Section 3** |  |  |  |

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| **2. SUPERVISOR DETAILS** |

**Required where the proposal is to alter an object in the South Australian Heritage Register. The Supervisor must be a person with the appropriate qualifications, skills or experience.**

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| **TITLE:**  **(Mr/Mrs/Ms/Dr/Prof)** |  | **FIRST NAME:** |  | **LAST NAME:** |  |

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| **ORGANISATION:**  **(If applicable)** |  |

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| **STREET ADDRESS or PO BOX NO.:** |  |

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| **EMAIL ADDRESS:** |  |

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| **PHONE NOS.:** | **Business:** |  | **Mobile:** |  |

**Required where alteration to an object is proposed.**

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| **QUALIFICATIONS:** |  | **INSTITUTION:** |  |

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| **NO. YEARS WORKING IN RELEVANT FIELD:** |  |  |  |

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| **STATEMENT OF CLAIM (QUALIFICATION TO SUPERVISE THIS PROJECT):** |  |

**Attach Supervisor’s Curriculum Vitae to support statement of experience**

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| **SIGNATURE OF THE SUPERVISOR:** |  |  |  |
| **DATE:** | ….. / ….. / ….. |

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| **3. CONSENT OF LANDOWNER TO THE MAKING OF THE APPLICATION** |

**Required if the Owner is not the Applicant.**

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| **TITLE:**  **(Mr/Mrs/Ms/Dr/Prof)** |  | **FIRST NAME:** |  | **LAST NAME:** |  |

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| **ORGANISATION:**  **(If applicable)** |  |

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| **STREET ADDRESS or PO BOX NO.:** |  |

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| **SUBURB:** |  | **STATE:** |  | **POSTCODE:** |  |

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| **EMAIL ADDRESS:** |  |

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| **PHONE NOS.:** | **Business:** |  | **Mobile:** |  |

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| **SIGNATURE OF THE OWNER:** | |  |  |  | |
| **DATE:** | ….. / ….. / ….. | |
| **4. PROJECT DETAILS** | | | |

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| **5. OBJECT DETAILS** |

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| **AFFECTED OBJECT/S:** |  |

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| **OBJECT ADDRESS OR LOCATION:** |  |

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| **NAME OF STATE HERITAGE PLACE:** |  | **SA HERITAGE REGISTER NO.** |  |

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| **SHP ADDRESS OR LOCATION:** |  |

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| **OTHER HERITAGE LISTINGS?** |  |

**If the property is entered in other heritage instruments, eg local Development Plan or National Heritage List**

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| **6. OTHER INFORMATION** | | | |
|  | | **YES** |  | **NO** | |
| **Does the work have the potential to involve work with cultural significance to Aboriginal communities?** | |  |  |  | |

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| **Is the area the subject of a Native Title claim?** |  |  |  |

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| **7. PROJECT PROPOSAL** |

A project proposal is required to provide supporting information on the necessity for damaging, destroying, disposing of or altering the object/s.

The project proposal must include (but may not limited to):

* The rationale behind the proposed work including, where the works involve damage or destruction of an object/s, an analysis of available options and a detailed reasoning as to why the proposed option is the best outcome.
* Details of the work methodology, i.e. how the work will be carried out and by whom.
* Pre- and post-work archival recording arrangements, where work involves the damage, destruction or alteration of an object/s (see **Attachment 2**).
* Detailed diagrams and photographs may also help describe the project and proposed works.

In preparing the project proposal, see **Attachment 1** ‘General Information’ and **Attachment 2** ‘Standard Permit Conditions’ for further guidance.

**Outline the nature of your proposal and the expected impact on the object/s. If the Research Design is provided as a separate document, write ‘SEE ATTACHED’ in the box below.**

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**NAMES OF PERSONS WHO WILL BE COLLABORATING ON THIS PROJECT, A BRIEF DESCRIPTION OF THEIR ROLES AND/OR ACTIVITIES AND THEIR CONTACT MOBILE NOS.:**

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| **NAME** | **ROLE AND/OR ACTIVITY** | **MOBILE NO.** |
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| **ATTACHMENT 1 GENERAL INFORMATION** |

**1. *HERITAGE PLACES ACT 1993***

The *Heritage Places Act 1993* (the Act) protects State Heritage Places designated as being a place of geological, palaeontological, speleological or archaeological significance by the South Australian Heritage Council.

This protection also extends to archaeological artefacts of heritage significance discovered on any land that has not been so designated, whether or not the land is entered in the South Australian Heritage Register as a State Heritage Place. The Act also protects geological, palaeontological or speleological specimens.

It is important to note that the Act provides a maximum penalty of $75,000 for carrying out certain activities without a permit, or activities that contravenes or fails to comply with a condition of a permit. Examples of activities that contravene the Act include:

* Excavation or disturbance of a State Heritage Place designated as a place of geological, palaeontological, speleological or archaeological significance without an archaeological permit.
* Excavation or disturbance of *any* land with the intention of searching for or recovering archaeological artefacts of heritage significance without an archaeological permit.
* Excavation or disturbance of *any* land knowing or having reasonable cause to suspect that the excavation or disturbance will or is likely to result in an archaeological artefact of heritage significance being discovered, exposed, moved, damaged or destroyed without an archaeological permit.
* Damage, destruction, disposal or alteration of objects (such as archaeological artefacts).

A copy of the Act can be found by visiting [www.legislation.sa.gov.au/browseActs.aspx](http://www.legislation.sa.gov.au/browseActs.aspx) and following the links.

**2. APPROVAL PROCESS**

Please allow a minimum of 2 to 4 weeks for assessment of Permit Applications under the *Heritage Places Act 1993*.

If the proposed work involves consultation with other government departments or groups, processing may take longer.

Permit applications or renewals will not be finalised until all necessary information has been received and any consultation has been completed.

# **3. PAYMENT OPTIONS**

* As the permit fee is reviewed each year in line with the CPI, applicants should check the DEW website ([www.environment.sa.gov.au/topics/heritage/sa-heritage-council/permits](http://www.environment.sa.gov.au/topics/heritage/sa-heritage-council/permits)) or contact Heritage South Australia in the Department for Environment and Water (DEW) by telephone on (+61 8) 8124 4960 for the latest information.
* For payment via **credit/debit card**, contact the Heritage Register Officer on (+61 8) 8124 4960.
* Cheque payments may be made by mailing the permit fee with the permit application to the Department for Environment and Water, GPO Box 1047, Adelaide SA 5001.

Cheques should be made payable to the **Department for Environment and Water.**

* If the activity is for research purposes, the payment of a permit fee may be waived.

**Note: the Application will not be processed until payment has been received.**

**4. OTHER LEGISLATION**

You may also require a permit or approval under other legislation before commencing work. The following information is given as a guide only. It is the responsibility of the Applicant/Permit Holder to ensure compliance with all other legislation.

* ***HISTORIC SHIPWRECKS ACT 1981* (STATE) AND *UNDERWATER CULTURAL HERITAGE ACT 2018* (COMMONWEALTH)**

These Acts protect certain shipwrecks and relics/artefacts of historic significance. In State waters the remains of vessels lost 75 years or more ago (and the remains of a ships declared under ss.5 and s 6 of the Historic Shipwrecks Act) are historic shipwrecks, whether the wreck site has been discovered or not. In Commonwealth waters this protection also extends to submerged aircraft and other underwater cultural heritage. If your project will impact or has the potential to impact an historic shipwreck, submerged aircraft or historic relic/artefact, you will need a permit under the relevant Act. It is important to remember that shipwrecks may also be found above high water mark.

Further information about obtaining a permit under this legislation can be found by visiting:

<https://www.environment.sa.gov.au/topics/heritage/maritime-heritage/managing-maritime-heritage/permits>

If you have questions about permit requirements under historic shipwrecks/underwater cultural heritage legislation, please contact Heritage SA by telephone on (+61 8) 8124 4960 or by email at [DEWheritage@sa.gov.au](mailto:DEWheritage@sa.gov.au).

* ***RIVER MURRAY ACT 2003***

If a permit application under the *Heritage Places Act 1993* applies to land that is also *within the* *River Murray Protection Area* under the *River Murray Act 2003*,your application may also need to be assessed against the *Objectives for a Healthy River Murray.*

Details of the objectives of the *River Murray Act 2003* can be found by visiting [www.legislation.sa.gov.au/browseActs.aspx](http://www.legislation.sa.gov.au/browseActs.aspx) and following the links.

* ***NATIONAL PARKS AND WILDLIFE ACT 1972* AND *NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016***

If a permit application under the *Heritage Places Act 1993* applies to land that is also within a NPWS reserve you may also need a permit for conducting scientific research (regulation 31) and/or disturbing soil or other material (regulation 30).

Further information about obtaining a Scientific Research Permit can be found by visiting:

[www.environment.sa.gov.au/Plants\_and\_Animals/Permits\_and\_Licences/Scientific\_Permits/Applying\_for\_a\_Scientific\_Permit](http://www.environment.sa.gov.au/Plants_and_Animals/Permits_and_Licences/Scientific_Permits/Applying_for_a_Scientific_Permit)

If you have questions about Scientific Research Permits, please contact DEW Research Permits by telephone on (+61 8) 8124 4856 or by email at [DEWresearchpermits@sa.gov.au](mailto:DEWresearchpermits@sa.gov.au).

* ***PLANNING DEVELOPMENT AND INFRASTRUCTURE ACT 2016***

If a permit application under the *Heritage Places Act 1993* applies to land that is *also coastal land and involves excavation or filling of an area*, you may also need Development Approval from the local council.

For further information please contact the Coast Protection Board by telephone on (+61 8) 8124 4928 or by email at [DEWCoastProtectionBoard@sa.gov.au](mailto:DEWCoastProtectionBoard@sa.gov.au), or by visiting [www.environment.sa.gov.au/topics/coasts/coastal-development-applications](https://www.environment.sa.gov.au/topics/coasts/coastal-development-applications).

* ***NATIVE VEGETATION ACT 1991***

If a permit application under the *Heritage Places Act 1993* applies to work that also *could result in clearance of native vegetation*, you may also need Native Vegetation Council consent.

Further information about native vegetation clearance can be found by visiting:

[www.environment.sa.gov.au/topics/native-vegetation/clearing/clearance-applications](https://www.environment.sa.gov.au/topics/native-vegetation/clearing/clearance-applications)

For further assistance contact Native Vegetation Branch by telephone on (+61 8) 8303 9777 or submit an [online enquiry](https://apps.environment.sa.gov.au/nvmu_direct_enquiry/).

* ***ABORIGINAL HERITAGE ACT 1988* AND *NATIVE TITLE ACT 1994* (STATE)**

If a permit application under the *Heritage Places Act 1993* applies to land that also *includes locations with cultural significance to Aboriginal communities or Native Title Claims*, you may have legal obligations. Your permit issued under the *Heritage Places Act 1993* **does not** cover discovery, investigation and/or management of Aboriginal sites, objects or ancestral remains – see further considerations in **Attachment 2**.

Further information on locations of Aboriginal heritage significance can be obtained from the Department of Premier and Cabinet, Aboriginal Affairs and Reconciliation Division (DPC-AAR), via:

<https://www.dpc.sa.gov.au/responsibilities/aboriginal-affairs-and-reconciliation/aboriginal-heritage>

For further assistance contact DPC-AAR by telephone on (+61 8) 8226 8900 or by email at [DPC-AAR.HeritageSites1@sa.gov.au](mailto:DPC-AAR.HeritageSites1@sa.gov.au).

With respect to Native Title claims, further information can be obtained from the Native Title Unit, Crown Solicitor’s Office in the Attorney General’s Department by telephone on (+61 8) 8207 1720 or by email at [CSO-BusinessServices@sa.gov.au](mailto:CSO-BusinessServices@sa.gov.au).

* ***LANDSCAPE SOUTH AUSTRALIA ACT 2019* (STATE)**

If a permit application under the *Heritage Places Act 1993* applies to activities that have the potential to have adverse impacts on water resources, their associated ecosystems, or other water users, your application may need to be assessed by the relevant Landscape Board to determine if a Water Affecting Activities (WAA) Permit is required.

Examples of activities for which a WAA Permit is required include (but not limited to) *excavating or removing rock, sand or soil from a watercourse or lake*, ordestroying vegetation growing in a watercourse or lake, or on the floodplain of a watercourse.

To find out if a WAA permit applies to your project contact the relevant Landscape Board. Further information on Landscape Boards, and their area of responsibility and contact details, can be obtained from:

<https://www.environment.sa.gov.au/about-us/boards-and-committees/landscape-boards>

* ***CROWN LANDS MANAGEMENT ACT 2009* (STATE)**

The Minister may grant consent to conduct an activity on Crown land under s 56A of the *Crown Land Management Act 2009*. Consent under s 56A may be required as section 61 makes it an offence to undertake certain activities (including excavating) on Crown land without lawful excuse.

Further information about Crown Lands can be found by visiting:

<https://www.environment.sa.gov.au/topics/crown-land/accessing-crown-land>

**Important note**: excavation or disturbance authorised under these or other Acts does not override the notification and authorisation provisions of the *Heritage Places Act 1993* in the event of a significant artefact being discovered.

**5. SOME USEFUL DEFINITIONS**

Under the *Heritage Places Act 1993*, the definition of:

**Archaeological artefact** means:

*any matter forming part of an archaeological deposit, or any artefact, remains or material evidence associated with an archaeological deposit, that relates to the non-Aboriginal settlement of South Australia, or to an activity undertaken by a person as part of the exploration of South Australia, but does not include the remains of a ship or an article associated with a ship.*

**Object**means a natural or manufactured object and includes:

* *an archaeological artefact; or*
* *a geological, palaeontological or speleological specimen (including sample).*

**Owner of land** means:

* *if the land is unalienated from the Crown –* ***the Crown.***
* *if the land is alienated from the Crown by grant in fee simple –* ***the owner of the estate in fee simple.***
* *if the land is held from the Crown by lease or licence –* ***the lessee or licensee.***
* ***If*** *the land is held from the Crown under an agreement to purchase –* ***the person who has the right of purchase***

*and if the land is subject to a mining tenement a reference to the owner of the land extends to the holder of the tenement.*

**Place** means:

*any site or area, with or without improvements, any land, any building, structure or other work, whether temporary, permanent or moveable or immovable (including an item or thing that is permanently fixed or moored), any other location, item or thing that constitutes a place within the State, and includes any fixtures or fittings, any land where a place is situated, any subsurface area, any part of a place.*

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| **ATTACHMENT 2 APPLICATION REQUIREMENTS AND SECTION 28 PERMIT CONDITIONS** |

**1. APPLICANT**

The Applicant must be a named person, not a company. If the permit is intended to apply to an entire development project (not just the archaeological component), then the applicant should be a person from the entity responsible for the development. If the permit is for archaeological research only, then the applicant may be the supervising archaeologist.

If associated with an educational institution (e.g. a University) or a business entity, the applicant must be authorised to operate in the name of the institution or business. If the applicant does not own the land for which the permit applies, the applicant must provide evidence that the owner agrees to the proposed activity.

Student applications must be endorsed by, and made in the name of, the educational institution and be accompanied by supporting documentation from the Lecturer/Supervisor.

All signatures on the form must be original.

It is important to note that the applicant is responsible for all works carried out under the permit and may be liable for any breaches of the permit conditions.

**2. SUPERVISOR**

The Supervisor must be a person with the appropriate qualifications, skills, or experience for the work to be performed to the satisfaction of the Department for Environment and Water (DEW). Details of the Supervisor’s qualification skills and experience must be provided in the appropriate section. If the Supervisor does not have formal qualifications in archaeology, then evidence of experience must be provided. A curriculum vitae must be provided to support the application.

The Supervisor is responsible for implementation of the research design, and the actions of other persons involved in its execution.

The Supervisor should endeavour to minimise the project impacts on historic structures and remains. This may include negotiations with project managers or others conducting development work. Where the permit relates to a research excavation, the area should be returned as close as possible to its pre-disturbance state.

**3. CONSENT OF LANDOWNER**

If the applicant is not the owner or relevant managing authority of the land on which the activity is to be conducted, or the owner of the relevant object, the applicant must ensure that the owner or relevant managing authority provides consent to conduct the activity as described in the project proposal. You must provide details of the owner or relevant managing authority and ensure consent is signed by the owner, or a person authorised to sign on behalf the relevant managing authority.

**4. PROJECT PROPOSAL**

A project proposal providing a detailed account of the proposed works must be submitted with the application.

DEW will assess the project proposal on its ability to meet the objectives of the proposed activity, as well as how effectively it addresses the heritage protection considerations of the object. DEW may seek further information and/or amendment during the application process.

The methodology proposed in the project proposal should reflect the heritage significance of any archaeological objects.

**5. OBJECT MANAGEMENT**

The number and location of all specimens, artefacts or objects affected must be supplied.

The number of specimens or artefacts affected must be limited to the number specified in the Permit, or where the number is not stated, to the minimum required for the approved project.

Archival Recording Strategy:

* For objects to be damaged or destroyed, the objects must be recorded to archival standard prior to damage or destruction, and again after the works have been completed. The extent of the recording may vary depending on the type and significance of the object/s. For example, multiple bags of broken brick may only require photographic recording of a representative sample (using best practice artefact photographic techniques) but more complex or complete objects must have both photographs and line drawings (line drawings are not required after destruction but, where possible, evidence of object destruction should be recorded.
* You should contact DEW on (+61 8) 8124 4960 or via email ([DEWHeritage@sa.gov.au](mailto:DEWHeritage@sa.gov.au)) prior to application to discuss archival recording requirements.

For disposal of objects the application must provide details of the details of who will have custody and where they will be located. Specimens or artefacts may not be disposed of or exported from South Australia without the written prior consent of the delegate appointed under either the *Heritage Places Act 1993*.

**6. PERMIT VARIATIONS/CANCELLATIONS/RENEWALS**

A permit will not be issued until:

* all relevant sections of the application form are completed
* all supporting documents are provided
* DEW is satisfied that the project proposal meets the objectives of Items 4 and 5 above, and
* DEW has received the application fee (if applicable).

The permit may be varied or cancelled, or a condition varied or cancelled, at any time. Permits will **not** be renewed unless DEW has received a satisfactory progress report or until all prior permit requirements have been met.

**7. PERMIT REPORTS**

Within **two months** of the expiration of the Permit, a full report of the results of the work carried out by the Applicant **must** be submitted to DEW.

If an account of the research is published, or information circulated, after the final report has been submitted, the reference details of this material **must** be submitted to DEW within two months of publication or circulation. If, after two years of receipt of the final report, the Supervisor has not published the material, DEW reserves the right to publish the findings of the investigation with due acknowledgement to the Supervisor.

**7. CONFIDENTIALITY**

The aim of investigations on places or objects of particular significance is to encourage collaboration and the sharing of knowledge between researchers, the public, the South Australian Heritage Council and DEW.

As part of the process of reviewing the Permit Application, it may be necessary to consult other government departments or representative groups to help to determine both the impact of the work and how best to minimise any impact.

Permits will respect confidentiality of information that an Applicant or land owner does not want widely distributed. However, DEW may distribute progress reports and unpublished data to relevant staff as part of the appraisal process for ongoing projects.