



Australian Government

Department of the Environment

CONSERVATION AGREEMENT

Conservation Agreement for the protection and conservation of the World Heritage Values and National Heritage Values of the Australian Convict Sites, Old Government House and Domain, Parramatta New South Wales

Minister for the Environment (**Minister**) on behalf of the Commonwealth of Australia

Minister for Planning on behalf of the State of New South Wales (**NSW**)

Parramatta City Council (**PCC**)



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Details

Parties

1. Minister for the Environment (the **Minister**) on behalf of the Commonwealth of Australia (the **Commonwealth**).
2. Minister for Planning on behalf of the State of New South Wales (**NSW**).
3. Parramatta City Council (**PCC**).

Recitals

- A. Section 305 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) provides that the Minister may, on behalf of the Commonwealth, enter into a conservation agreement for the protection and conservation of:
 - a. the world heritage values of a declared World Heritage property in the Australian jurisdiction; and
 - b. the National Heritage values of a National Heritage place.
- B. The purpose of this Agreement is to provide for the protection and conservation of the World Heritage Values and National Heritage Values of the Property (the **Protected Matters**) by:
 - a. implementing the findings of the report, *Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values: Technical Report* (Planisphere, 2012); and
 - b. recognising compliance with certain development controls in respect of Development in the Highly Sensitive Area as a measure for achieving that purpose.
- C. The Minister has agreed to enter into this Agreement with the Participants under section 305 of the EPBC Act to give effect to the purpose described in Recital B.
- D. Section 306A of the EPBC Act provides that the Minister may include in a conservation agreement a declaration to the effect that actions in a specified class do not need approval under Part 9 for the purposes of a specified provision of Part 3.
- E. The Minister makes such a declaration in this Agreement and the Participants acknowledge the declaration and agree to notify the Minister of certain specified matters in relation to the declaration.
- F. For the purposes of section 305(2) of the EPBC Act, the Minister is satisfied that the implementation of this Agreement will result in a net benefit to the conservation of the Protected Matters and is not inconsistent with the World Heritage management principles, nor with the National Heritage management principles.

Agreed terms

1. Definitions and interpretation

1.1 Definitions

In this Agreement, except where the contrary intention is expressed, terms have the meaning they are given in the EPBC Act and otherwise the following definitions are used:

Agreement	this agreement between the Minister and the Participants, as amended from time to time in accordance with section 308 of the EPBC Act or clause 10.3 and includes its Schedules and Annexures.
Agreement Details	Schedule 1.
Agreement Period	the period specified in clause 2.
Annexure	an annexure to this Agreement.
Business Day	in relation to the doing of any action in a place, any day other than a Saturday, Sunday or public holiday in that place.
Class of Actions	the class of actions specified in Item 1.2 of Schedule 2.
Commencement Date	the date this Agreement commences in accordance with clause 2(a).
Commonwealth	the Commonwealth of Australia.
Consent Authority	has the same meaning as in the EP&A Act.
Department	the Commonwealth agency responsible for administering the EPBC Act, currently the Department of the Environment.
Department Representative	the person identified in Item 2 of the Agreement Details.
Development	has the same meaning as in the EP&A Act.
Development Application	means an application for consent under Part 4 of the EP&A Act to carry out Development and includes an application for a complying development certificate that is lodged with PCC.
Development Consent	means consent granted under Part 4 of the EP&A Act (including consent granted in respect of Development comprising State significant development within the meaning of the same under Part 4 of the EP&A Act), including approval of an application to modify such consent, and any complying development certificate within the meaning of the same in the EP&A Act.
Electronic Communication	has the same meaning as in the <i>Electronic Transactions Act 1999</i> (Cth).

End Date	the date specified in Item 7 of the Agreement Details.
EP&A Act	the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
EPBC Act	the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
EPBC Regulations	the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (Cth).
Figure	a figure in an Annexure.
Floor Space Ratio Map	the map of the same name as attached at Annexure B of this Agreement.
Height of Buildings Map	the map of the same name as attached at Annexure B of this Agreement.
Highly Sensitive Area	the area identified in Figure A of Annexure A which includes a map of the Highly Sensitive Area.
Highly Sensitive Area Controls	the following controls in respect of Development on land within the Highly Sensitive Area (as attached at Annexure B of this Agreement): (a) the maximum building height shown for the land on the Height of Buildings Map pursuant to clause 21 of the Parramatta City Centre Local Environmental Plan 2007 in the form it was in as at 18 June 2015; (b) the maximum floor space ratio shown for the land on the Floor Space Ratio Map and pursuant to clause 22 of the Parramatta City Centre Local Environmental Plan 2007 in the form it was in as at 18 June 2015; (c) clause 21A of the Parramatta City Centre Local Environmental Plan 2007 in the form it was in as at 18 June 2015; (d) section 4.3.3.7 c) of the Parramatta Development Control Plan 2011 in respect of the "Park Edge" special area, in the form it was in as at 18 June 2015; and (e) for Development that: (i) involves the erection of a new building or external alterations to an existing building; and (ii) is the winner of a competitive design process, being an architectural design competition carried out in accordance with procedures approved by the Secretary of the New South Wales Department of Planning and Environment; and

- (iii) is consistent with the essential future development guidelines for the “Park Edge” area set out in the report *Development in Parramatta City and the Impact on Old Government House and Domain’s World and National Heritage Listed Values: Technical Report* (Planisphere, 2012) –

a building height that exceeds the maximum height shown for the land on the Height of Buildings Map, or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map (or both) by up to 15%.

For the avoidance of doubt, these provisions comprise the Highly Sensitive Area Controls for the purposes of this Agreement despite any inconsistency with an environmental planning instrument applying to the Highly Sensitive Area and despite any subsequent amendment or repeal of the specified provisions of the Parramatta City Centre Local Environmental Plan 2007 or Parramatta Development Control Plan 2011.

Law	any applicable statute, regulation, by-law, ordinance or subordinate legislation in force from time to time in Australia, whether made by a State, Territory, the Commonwealth, or a local government.
Minister	the Minister administering the EPBC Act or a delegate of the Minister pursuant to section 515(1) of the EPBC Act.
Modification Application	means an application to modify a development consent granted under Part 4 of the EP&A Act.
National Heritage Values	the national heritage values of the Property as set out in Schedule 4.
NSW Representative	the person identified in Item 4 of the Agreement Details.
Participant	refers to NSW or the PCC, as the case requires and Participants refers to both NSW and the PCC.
PCC Representative	the person identified in Item 6 of the Agreement Details.
Property	the area described in Item 8 of the Agreement Details.
Protected Matters	the World Heritage Values and National Heritage Values of the Property.
Reports	the reports that the Participants are required to produce and provide to the Department in accordance with clause 7.4.

Review	the review the parties agree to undertake in accordance with clause 7.3.
Schedule	a schedule to this Agreement.
Specified Part 3 Provisions	the provisions of Part 3 of the EPBC Act that are specified in Item 1.1 of Schedule 2.
World Heritage Values	the world heritage values of the Property as set out in Schedule 3.

1.2 Interpretation

In this Agreement, except where the contrary intention is expressed:

- (a) the singular includes the plural and vice versa, and a gender includes other genders;
- (b) another grammatical form of a defined word or expression has a corresponding meaning;
- (c) the meaning of general words is not limited by specific examples introduced by meaning of, for example or similar expressions;
- (d) a reference to a clause, paragraph, Schedule or Annexure is to a clause, paragraph, Schedule or Annexure of this Agreement;
- (e) a reference to a document or instrument includes the document or instrument as novated, altered, supplemented or replaced from time to time;
- (f) a reference to AUD, A\$, \$A, dollar or \$ is to Australian currency;
- (g) a reference to time is to the time in the place where the obligation is to be performed;
- (h) a reference to a party is to a party to this Agreement, and a reference to a party to a document includes the party's executors, administrators, successors and permitted assignees and substitutes;
- (i) a reference to a person includes a natural person, partnership, body corporate, association, governmental or local authority or agency or other entity;
- (j) if either of the Participants is a trustee, that Participant enters this Agreement personally and in its capacity as trustee and:
 - (i) any warranties given under this Agreement are given in both capacities; and
 - (ii) warrants that it has the power to perform its obligations under this Agreement;
- (k) a reference to a statute, ordinance, code or other Law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (l) a rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of this Agreement or any part of it.

2. Agreement Period

- (a) This Agreement commences on the date of execution by the last party.
- (b) This Agreement ends on and ceases to be of any effect on the earlier of:
 - (i) the End Date;
 - (ii) the date the parties subsequently agree in writing that this Agreement should end; or
 - (iii) the date this Agreement is terminated under clause 10.

3. Priority of documents

If there is any inconsistency between any of the documents forming part of this Agreement those documents will be interpreted in the following order of priority to the extent of the inconsistency:

- (a) the 'Agreed terms' of this Agreement (being clauses 1 through to 12);
- (b) the Schedule(s) in their order of appearance;
- (c) the Annexure(s) in their order of appearance; and
- (d) documents incorporated by reference in this Agreement.

4. Declaration

- (a) Pursuant to section 306A of the EPBC Act, the Minister declares that actions in the Class of Actions do not require approval under Part 9 of the EPBC Act for the purposes of the Specified Part 3 Provisions.
- (b) In making the declaration under clause 4(a), and pursuant to section 306A(2) of the EPBC Act, the Minister is satisfied that the actions in the Class of Actions are not likely to have a significant impact on the Protected Matters.

5. Acknowledgement

The Participants acknowledge the Minister's declaration in clause 4(a) of this Agreement.

6. Representations and warranties

Each Participant hereby represents and warrants to the Minister that:

- (a) it has full power and authority to enter into, perform and observe its obligations under this Agreement;
- (b) the execution, delivery and performance of this Agreement has been duly and validly authorised by the Participant; and
- (c) no litigation, arbitration, mediation, conciliation or administrative proceedings are taking place, pending, or to the knowledge of any of its officers after due inquiry, are threatened which, if adversely decided, could have an adverse effect on the Participants' ability to perform its obligations under this Agreement.

7. Notification requirements

7.1 Change in local government area

The Participants must notify the Department in writing as soon as reasonably practicable of any proposal that they are formally made aware of in writing, to transfer all or part of the Highly Sensitive Area to a new local government area, but

the Minister for Planning is not required to make any inquiries in relation to the existence of any proposal in that regard.

7.2 Notification of development

- (a) The Participants must notify the Department of any Development Application or Modification Application (an **application**) received by them as the Consent Authority for a Development that is proposed to be carried out in the Highly Sensitive Area.
- (b) The notice referred to in clause 7.2(a) must:
 - (i) be provided to the Department prior to the determination of the relevant application and must be provided again as the case may be after any amendment of the application is agreed to by the Participants; and
 - (ii) contain a description of the proposed Development.

7.3 Review

- (a) A review of the operation of this Agreement (**Review**) may be undertaken by the parties as specified in Item 2.1 of Schedule 2.
- (b) If a Review is to be undertaken the parties will agree in writing on:
 - (i) the terms of the Review;
 - (ii) the scope of the Review; and
 - (iii) the date by which the Review will be completed.
- (c) A Review may be linked to a Report requested under clause 7.4.
- (d) Failure to undertake the Review contemplated by clause 7.3(a) does not invalidate this Agreement.
- (e) This clause does not limit the Minister's powers to terminate or vary this Agreement under section 308 of the EPBC Act.

7.4 Report

- (a) The Participants must, within two months after each 12 month anniversary of the Commencement Date, jointly provide the Department with a report on the operation of this Agreement (**Report**) in accordance with Item 2.2 of Schedule 2.
- (b) The Department may cause the Report specified in clause 7.4(a) to be published on the Department's website.

8. Audit and access

8.1 Audit by the Department

- (a) The Department or a representative may conduct audits relevant to the performance of a Participant's obligations under this Agreement.
- (b) The Participants acknowledge and agree that the Department, or any authorised representative, may, at all reasonable times and on giving reasonable notice to the relevant Participant:
 - (i) access and inspect the Property for the purposes of:
 - (A) monitoring compliance with this Agreement; and
 - (B) taking any action that is required to remedy or monitor any breach of this Agreement; and
 - (ii) require the Participant, including any subcontractors, to provide records, documents and information relevant to the performance of this

Agreement in a data format and storage medium accessible by the Department.

8.2 Audit of Agreement

- (a) From time to time the parties may agree to an independent audit of compliance with this Agreement.
- (b) If an audit under clause 8.2(a) is to be undertaken, the parties will agree in writing on:
 - (i) the terms of the audit;
 - (ii) the scope of the audit;
 - (iii) the date by which the audit will be completed; and
 - (iv) who will bear the costs of the audit or if these costs will be shared.

8.3 Cooperation and publication

- (a) The Participants must fully cooperate with any audit conducted under this clause 8.
- (b) The Department may cause the results of an audit to be published on the Department's website.

8.4 General

- (a) Subject to any agreement between the parties under clause 8.2(b)(iv), each party must bear its own costs of any inspections, reviews, audits and enquiries conducted pursuant to this clause 8.
- (b) This clause 8 applies for the duration of the Agreement Period and for a period of seven years from the termination or expiry of this Agreement.

9. Dispute resolution

9.1 Dispute resolution

The parties must endeavour to resolve any dispute under this Agreement by mediation or other dispute resolution method before they commence legal proceedings (except proceedings for urgent interlocutory relief).

9.2 Obligations continue

- (a) Despite the existence of a dispute, the parties must continue to perform their respective obligations under this Agreement, unless a direction is issued in accordance with clause 9.2(b).
- (b) If directed and notified in writing by the Department to do so, the Participants must cease performing the obligations of the Participants under this Agreement which are specified in the Department's notice until the Department issues a further written notice to the Participants directing them to resume performance of those obligations.

9.3 Costs

Each party to a dispute must pay its own costs of complying with this clause 9. The parties to the dispute must equally pay the costs of any mediator.

9.4 Breach of this clause

If a party to a dispute breaches clauses 9.1 to 9.3, the other party does not have to comply with those clauses in relation to the dispute.

10. Termination or variation

10.1 Termination for default

If:

- (a) a Participant repeatedly fails to comply with any timeframe under this Agreement;
- (b) a Participant fails to remedy its failure to comply with any term or condition of this Agreement within 10 Business Days of receiving a notice (or such longer period as the Department may at its sole and unfettered discretion specify in the notice) from the Department requiring the Participant to do so;
- (c) the Department is satisfied on reasonable grounds that any statement, representation or warranty made by a Participant is incorrect or incomplete in a way which would have affected the original decision to enter into this Agreement; or
- (d) the Department is satisfied on reasonable grounds that a report (including a Report) given by a Participant is significantly misleading, or substantially incomplete or inaccurate,

the Minister or the Department may by written notice to both Participants, terminate this Agreement in its entirety.

10.2 Termination or variation by order

Notwithstanding any other provision of this Agreement:

- (a) this Agreement may be terminated or varied by the Minister by order published in the *Gazette* in accordance with section 308(4) of the EPBC Act. The Participants are not entitled to any compensation in respect of the termination or variation by such an order; and
- (b) this Agreement may be terminated by a Participant in accordance with section 308(7) of the EPBC Act.

10.3 Variation

Subject to the Minister's rights under section 308 of the EPBC Act, no agreement or understanding varying or extending this Agreement is legally binding upon a party unless the agreement or understanding is in writing and signed by all parties.

11. Notices

11.1 Service of notices

A party giving notice or notifying under this Agreement must do so in English and in writing or by Electronic Communication:

- (a) directed to the other parties' contact person at the other parties' addresses (as set out in the Agreement Details and as varied by any notice); and
- (b) hand delivered or sent by prepaid post or Electronic Communication to that address.

11.2 Effective on receipt

A notice given in accordance with clause 11.1 takes effect when it is taken to be received (or at a later time specified in it), and is taken to be received:

- (a) if hand delivered, on delivery;
- (b) if sent by prepaid post, on the second Business Day after the date of posting (or on the seventh Business Day after the date of posting if posted to or from a place outside Australia); or

- (c) if sent by Electronic Communication, at the time that would be the time of receipt under the *Electronic Transactions Act 1999* (Cth),

but if the delivery, receipt or transmission is not on a Business Day or is after 5.00pm on a Business Day, the notice is taken to be received at 9.00am on the next Business Day.

12. General clauses

12.1 Rights and powers of the Minister

The rights and powers of the Minister under this Agreement are in addition to any rights the Minister has under the EPBC Act.

12.2 Ownership of Agreement

All copyright and other intellectual property rights contained in this Agreement remain the property of the Commonwealth.

12.3 Approvals and consents

Except where this Agreement expressly states otherwise, a party may, in its discretion, give conditionally or unconditionally or withhold any approval or consent under this Agreement.

12.4 Assignment and novation

A party may only assign its rights or novate its rights and obligations under this Agreement with the prior written consent of the other parties.

12.5 Costs

Each party must pay its own costs of negotiating, preparing and executing this Agreement.

12.6 Counterparts

This Agreement may be executed in counterparts. All executed counterparts constitute one document.

12.7 No merger

The rights and obligations of the parties under this Agreement do not merge on completion of any transaction contemplated by this Agreement.

12.8 Entire agreement

This Agreement constitutes the entire agreement between the parties in connection with its subject matter and supersedes all previous agreements or understandings between the parties in connection with its subject matter.

12.9 Further action

Each party must do, at its own expense, everything reasonably necessary (including executing documents) to give full effect to this Agreement and any transaction contemplated by it.

12.10 Severability

A term or part of a term of this Agreement that is illegal or unenforceable may be severed from this Agreement and the remaining terms or parts of the terms of this Agreement continue in force.

12.11 Waiver

Waiver of any provision of or right under this Agreement:

- (a) must be in writing signed by the party entitled to the benefit of that provision or right; and
- (b) is effective only to the extent set out in any written waiver.

12.12 Relationship

- (a) The parties must not represent themselves, and must ensure that their officers, employees, agents and subcontractors do not represent themselves, as being an officer, employee, partner or agent of the other party, or as otherwise able to bind or represent the other party.
- (b) This Agreement does not create a relationship of employment, agency or partnership between the parties.

12.13 No fetter

Nothing in this Agreement fetters, or is to be construed as a fetter on, the exercise of statutory functions, duties or powers by the Participants.

Schedule 1 – Agreement Details

Item No.	Description	Clause reference	Details
1.	Department details	1.1	Commonwealth of Australia as represented by the Department of the Environment ABN: 34 190 894 983
2.	Department Representative	1.1	Position: Assistant Secretary, Heritage Branch Phone: 02 6274 2015 Fax: 02 6274 2095 Email: Chris.Johnston@environment.gov.au
3.	NSW details	1.1	State of New South Wales as represented by the Department of Planning and Environment ABN: 38 755 709 681
4.	NSW Representative	1.1	Name: Rachel Cumming Position: Director, Metropolitan (Parramatta) Phone: (02) 9860 1174 Fax: (02) 9228 6455 Email: Rachel.Cumming@planning.nsw.gov.au
5.	PCC details	1.1	Parramatta City Council ABN: 49 907 174 773
6.	PCC Representative	1.1	Name: Sue Weatherley Position: Director, Strategic Outcomes and Development Phone: 02 9806 5101 Fax: 02 9806 5913 Email: sweatherley@parracity.nsw.gov.au
7.	End Date	1.1 and 2	None specified.
8.	Property	1.1	The Old Government House and Domain World and National Heritage site, Parramatta NSW, being the property identified in Figure B of Annexure A.
9.	Address for notices	11.1	Department: Position: Assistant Secretary, Heritage Branch Department of the Environment

Item No.	Description	Clause reference	Details
			Postal address: GPO Box 787, Canberra, ACT, 2601 Physical address: 33 Allara St, Canberra, ACT, 2601 Fax: 02 6274 2095 Email: Chris.Johnston@environment.gov.au NSW: Name: Rachel Cumming Position: Director, Metropolitan (Parramatta) Postal address: GPO Box 39 SYDNEY NSW 2001 Physical address: Level 5, 10 Valentine Ave Parramatta NSW Fax: (02) 92286455 Email: Rachel.Cumming@planning.nsw.gov.au PCC: Name: Sue Weatherley Position: Director, Strategic Outcomes and Development Postal address: PO Box 32, Parramatta, NSW, 2124 Physical address: 30 Darcy Street, Parramatta, NSW, 2150 Fax: 02 9806 5913 Email: sweatherley@parracity.nsw.gov.au

Schedule 2 – Particulars

1. Declaration (clause 4)

1.1 Specified Part 3 Provisions

The Specified Part 3 Provisions are:

- (a) section 12;
- (b) section 15A;
- (c) section 15B; and
- (d) section 15C.

1.2 Class of Actions

Development to be carried out on or within the Highly Sensitive Area that:

- (a) complies with the Highly Sensitive Area Controls; and
- (b) the carrying out of which is authorised by a Development Consent granted after the Commencement Date.

2. Review and reporting (clauses 7.3 and 7.4)

2.1 Review

Reviews may be undertaken at the Department's request on an ad-hoc basis.

2.2 Reporting

The Report must include, but need not be limited to:

- (a) a summary of Development Consents that have been granted under the EP&A Act in relation to development on or within the Highly Sensitive Area, within the previous 12 month period; and
- (b) reporting on compliance with the terms of this Agreement.

Schedule 3 – World Heritage Values

The Property was inscribed on the World Heritage List under the *Convention Concerning the Protection of the World Cultural and Natural Heritage* at the 34th session of the World Heritage Committee held at Brasilia, Brazil from 25 July to 3 August 2010 (Decision WHC-10/34.COM/8B.16).

The World Heritage Values are the values detailed in the World Heritage List decision in respect of the Property, a copy of which forms part of this Schedule 3.



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

World Heritage

34 COM

Limited Distribution

WHC-10/34.COM/20

Paris, 3 September 2010

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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

**CONVENTION CONCERNING THE PROTECTION OF
THE WORLD CULTURAL AND NATURAL HERITAGE**

WORLD HERITAGE COMMITTEE

Thirty-fourth session

**Brasilia, Brazil
25 July – 3 August 2010**

Item 20 of the Agenda:

**REPORT OF THE DECISIONS
ADOPTED
BY THE WORLD HERITAGE COMMITTEE
AT ITS 34TH SESSION (BRASILIA, 2010)**

- g) Ensure that the groundwater of Wadi Hanifah is well managed;
- h) Strengthen the monitoring of the development in the buffer zone and in the immediate vicinity;

Decision: 34 COM 8B.16

The World Heritage Committee,

1. Having examined Documents WHC-10/34.COM/8B and WHC-10/34.COM/INF.8B1,
2. Welcoming the additional information provided by the State Party;
3. Inscribes the **Australian Convict Sites, Australia**, on the World Heritage List on the basis of criteria (iv) and (vi);
4. Adopts the following Statement of Outstanding Universal Value:

Brief synthesis

The property consists of eleven complementary sites. It constitutes an outstanding and large-scale example of the forced migration of convicts, who were condemned to transportation to distant colonies of the British Empire; the same method was also used by other colonial states.

The sites illustrate the different types of convict settlement organized to serve the colonial development project by means of buildings, ports, infrastructure, the extraction of resources, etc. They illustrate the living conditions of the convicts, who were condemned to transportation far from their homes, deprived of freedom, and subjected to forced labour.

This transportation and associated forced labour was implemented on a large scale, both for criminals and for people convicted for relatively minor offences, as well as for expressing certain opinions or being political opponents. The penalty of transportation to Australia also applied to women and children from the age of nine. The convict stations are testimony to a legal form of punishment that dominated in the 18th and 19th centuries in the large European colonial states, at the same time as and after the abolition of slavery.

The property shows the various forms that the convict settlements took, closely reflecting the discussions and beliefs about the punishment of crime in 18th and 19th century Europe, both in terms of its exemplarity and the harshness of the punishment used as a deterrent, and of the aim of social rehabilitation through labour and discipline. They influenced the emergence of a penal model in Europe and America. Within the colonial system established in Australia, the convict settlements simultaneously led to the Aboriginal population being forced back into the less fertile hinterland, and to the creation of a significant source of population of European origin.

Criterion (iv): The Australian convict sites constitute an outstanding example of the way in which conventional forced labour and national prison systems were transformed, in major European nations in the 18th and 19th centuries, into a system of deportation and forced labour forming part of the British Empire's vast colonial project. They illustrate the variety of the creation of penal colonies to serve the many material needs created by the development of a new territory. They bear witness to a penitentiary system which had many objectives, ranging from severe punishment used as a deterrent to forced labour for men, women and children, and the rehabilitation of the convicts through labour and discipline.

Criterion (vi): The transportation of criminals, delinquents, and political prisoners to colonial lands by the great nation states between the 18th and 20th centuries is an important aspect of human history, especially with regard to its penal, political and colonial dimensions. The Australian convict settlements provide a particularly complete example of this history and the associated symbolic values derived from discussions in modern and contemporary European society. They illustrate an active phase in the occupation of colonial lands to the detriment of the Aboriginal peoples, and the process of creating a colonial population of European origin through the dialectic of punishment and transportation followed by forced labour and social rehabilitation to the eventual social integration of convicts as settlers.

Integrity and authenticity

The structural and landscape integrity of the property varies depending on the site, and on the type of evidence considered. It has been affected by local history, at times marked by reuse or lengthy periods of abandonment. The integrity varies between well preserved groups and others where it might be described as fragmentary. Apart from certain visual perspectives in urban settings, the level of the property's integrity is well controlled by the site management plans.

Despite the inevitable complexity of a nomination made up of a series of eleven separate sites with more than 200 elements that convey the value of the property, the authenticity of the vast majority of them is good.

Protection and management requirements

All the sites forming the property are inscribed on the National Heritage List. They are also protected by the Environment Protection and Biodiversity Conservation Act 1999.

There is no direct major threat to the sites forming the serial property.

The general protection and management of the property are satisfactory. Conservation is articulated around a positive dynamic driven by the application of the conservation plans at each of the sites. The Brickendon and Woolmers Estate domains are an exception, and require ongoing assistance, both in terms of protection and conservation.

The management systems of the sites forming the property are appropriate, and they are adequately coordinated by the Strategic Management Framework for the property and its Steering Committee. For the sites involving the participation of private stakeholders for visitor reception, improved interpretation is however necessary; that includes the common objectives outlined in the Strategic Management Framework. It is also important to consider visitor reception facilities and their development in a way which respects the landscape conservation of the sites.

5. Recommends that the State Party give consideration to the following:

- a) Specify the surface area of the property and its buffer zone for Hyde Park Barracks and Great North Road, along with the number of inhabitants;
- b) Ensure the regular and effective participation of all the site committees in the functioning of the Steering Committee for the ensemble of the serial property;
- c) At those sites where private partners are involved, notably Kingston and Arthur's Vale (site No 1) and in the buffer zone of Port Arthur (site No 8), to strengthen and develop consultation between the site committee and these private stakeholders. The establishment of a shared charter of good conduct for the conservation and management of these two sites would be useful;
- d) Give consideration to removing the anachronistic structures or constructions at Old Government House (site No 2), Cascades (7), and Fremantle (11);
- e) Distinguish between the structural components by period and use at Darlington (5) and Cockatoo Island (10);
- f) Give consideration to consolidating the perimeter walls at Cascades Female Factory (7);
- g) Make sure that the development or rehabilitation of visitor facilities at the various sites respects the visual integrity and the landscape values of the sites;
- h) Pay attention to managing the landscape values of the sites in or close to urban areas by studying the visual impact of their current environment and any projects liable to affect those values;
- i) Make sure that volunteer conservation work is performed in strict accordance with the conservation and/or archaeology plans, under the supervision of experienced professionals;
- j) Publish the table of monitoring indicators and their frequency of application at each of the sites.

Decision: 34 COM 8B.17

The World Heritage Committee,

Schedule 4 – National Heritage Values

On 1 August 2007 the Property was included in the National Heritage List under section 324JJ of the EPBC Act.

The National Heritage Values are the values identified for the Property in the National Heritage List as detailed in the Commonwealth Gazette No. S141 dated Wednesday 1 August 2007, a copy of which forms part of this Schedule 4.

The National Heritage Values of the Property may be amended by the Minister in accordance with Division 10.2A of the EPBC Regulations.



Commonwealth
of Australia

Gazette

No. S141, Wednesday, 1 August 2007

SPECIAL

Published by the Commonwealth of Australia

Environment Protection and Biodiversity Conservation Act 1999

INCLUSION OF EIGHT CONVICT-RELATED PLACES
IN THE NATIONAL HERITAGE LIST

I, Malcolm Bligh Turnbull, Minister for the Environment and Water Resources, having considered, in relation to each of the eight places listed in the Schedule of this instrument -

- (a) the Australian Heritage Council's assessment whether the place meets any of the National Heritage criteria; and
- (b) the comments determined to have been given to the Council under section 324JH of the *Environment Protection and Biodiversity Conservation Act 1999*; and

being satisfied that each place specified in the Schedule has the National Heritage value or values specified in the Schedule, include, pursuant to section 324JJ of the *Environment Protection and Biodiversity Conservation Act 1999*, each place listed in the Schedule in the National Heritage List.

Dated 2nd day of May 2007

Malcolm Bligh Turnbull
Minister for the Environment
and Water Resources

SCHEDULE**STATE****Local Government Area****Name:****Location / Boundary****Criteria / Values****NEW SOUTH WALES****Hawkesbury City****Old Great North Road:**

About 120ha, 1km north-east of Wisemans Ferry, comprising an area bounded by a line commencing at the intersection of the Old Great North Road and an unnamed road (approximate MGA point E 313175 N 6306540), then southerly via a 70m offset to the east of the unnamed track to its intersection with the Wiseman Geodetic Station (approximate MGA point E 313211 N 6305417), then south easterly via a ridgeline to its intersection with MGA northing 6304668mN (approximate MGA point E 313806 N 6304668), then directly to an unnamed creek at approximate MGA point E 313905 N 6304566, then south easterly via the middle thread of the unnamed creek to its intersection with the western side of an unnamed track (approximate MGA point E 314207 N 6304034), then southerly via the western side of the unnamed track to its intersection with the Dharug National Park boundary (approximate MGA point E 314456 N 6303225), then westerly and northerly via the park boundary to the intersection of the Old Great North Road and Settlers Road, then northerly via the Old Great North Road to the point of commencement.

Criterion**Values**

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

The Old Great North Road is the best surviving example of an intact convict built road with massive structural works which remain undisturbed by later development on or around the road.

Re-offending convicts were sentenced to hard labour in road gangs where they worked in isolated and harsh conditions for months at a time. The worst convicts worked in leg irons and collars. The road gangs served to maintain order within the settlements and were intended to dissuade criminal activity in Britain and rebut the view that transportation was desirable.

This section of the road is a particularly challenging and steep 7.5 km segment of the 250 km long Great North Road which took over ten years to complete (1826-36). It includes both Finch's Line built in 1828 and the realigned road ascending Devine's Hill built between 1829-32. The road construction required substantial cut and fill operations, the building of massive dry stone retaining walls up to 9.5 metres high supported by stone abutments and the construction of an extensive drainage system.

Criterion	Values
(a) continued	The place retains a comparatively rich array of structural features and construction elements, including both the original alignment of the road (Finch's Line) and the realigned ascent of Devine's Hill, the retaining walls with their abutments, cuttings, embankments, quarry sites and drains. The road construction illustrates the design solution to overcome terrain conditions in the bushland environment. The landscape setting with the road works and stockade indicates the work practices and living conditions of the convict labourers and their supervisors. The engraved '25 R. Party' and the convict graffiti rock carving convey an evocative link to the people involved in the works. Old Great North Road provides evidence of the transition of New South Wales from a penal colony to a permanent settlement and is an excellent representation of the extensive road building undertaken by Governor Ralph Darling to expand the colony, provide transportation and communication links with dispersed settlements, and provide harsh punishment for convicts.
(g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.	The place has strong associations with the local community as evidenced by the Convict Trail Project which two local communities instigated in 1994 by building on existing community involvement in initiatives to preserve the local area. The Convict Trail Project has become an over-arching body that draws together all parties with an interest in the Great North Road, including community, government, research and heritage professionals. It has been nationally recognised as one of the most successful community-based heritage organisations.

NEW SOUTH WALES**Leichhardt Municipality****Cockatoo Island:**

About 18ha, in Sydney Harbour, between Birchgrove Point and Woolwich Point, comprising the whole of the Island to low water.

Criterion**Values**

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

Cockatoo Island is a convict industrial settlement and pre and post-federation shipbuilding complex. It is important in the course of Australia's cultural history for its use as a place of convict hard labour, secondary punishment and for public works, namely its history and contributions to the nation as a dockyard.

Fitzroy Dock is outstanding as the only remaining dry dock built using convict and prisoner labour and it is one of the largest convict-era public works surviving in Sydney. The dock was the earliest graving dock commenced in Australia and was one of the largest engineering projects completed in Australia to that time. Convicts excavated 580,000 cubic feet of rock creating 45 foot (14 metre) sandstone cliffs that extended around the site just to prepare the area for the dock, a huge technical achievement in itself.

The dockyard's lengthy 134 years of operation and its significance during both world wars, and in Australia's naval development and service as the Commonwealth dockyard all contribute to its outstanding value to the nation. It is the only surviving example of a 19th century dockyard in Australia to retain some of the original service buildings including the pump house and machine shop. The powerhouse, constructed in 1918, contains the most extensive collection of early Australian electrical, hydraulic power and pumping equipment in Australia.

The surviving fabric related to convict administration includes the prisoners' barracks, hospital, mess hall, military guard and officers' room, free overseers' quarters and the superintendent's cottage. Evidence of convict hard labour includes the sandstone buildings, quarried cliffs, the underground silos and the Fitzroy Dock.

Cockatoo Island's dockyard, through its contribution to Australia's naval and maritime history, demonstrates outstanding significance to the nation. Fitzroy Dock is the oldest surviving dry dock in Australia operating continuously for over 134 years (1857-1991). The dockyard has direct associations with the convict era, Australia's naval relationship with its allies (particularly Britain during the nineteenth and early twentieth centuries) and Australia's naval development, especially during the First and Second World Wars. Cockatoo Island's development into Australia's primary shipbuilding facility and Australia's first Naval Dockyard for the RAN (1913-21) further demonstrates its outstanding importance in the course of Australia's history.

Criterion

Values

- (c) The place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history.

There has been considerable archaeological investigation on Cockatoo Island by the Sydney Harbour Federation Trust. This has indicated that it has significant research potential in terms of enhancing the knowledge of the operation of a convict industrial site and a long running dockyard.

The surviving archaeological elements of now demolished or obscured structures and functions of the dockyard, in particular the remains of docks, equipment, warehouse and industrial buildings and a range of cranes, wharves, slipways and jetties, have potential to illustrate and reveal the materials, construction techniques and technical skills employed in the construction of shipbuilding and dockyard facilities that are no longer available through other sources in Australia. The archaeological resources also have importance in demonstrating changes to maritime and heavy industrial processes and activities in Australia from the mid-nineteenth century.

The dockyard contains the earliest, most extensive and most varied record of shipbuilding, both commercial and naval, in Australia. This is supported by extensive documentary evidence in the National Archives.

- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places; or (ii) a class of Australia's natural or cultural environments.

Cockatoo Island represents some of the principal characteristics of Australian convict sites including: hard labour as a means of punishment and deterrence to the British 'criminal class'; use of convict labour for the establishment of the colony through public works; and secondary punishment for re-offending convicts.

Cockatoo Island is of outstanding importance to the nation as a site of severe punishment. The level of severity is expressed through the policy to extend convicts with 'no indulgence beyond the strict Government ration'. The fundamental purpose of Cockatoo Island was to be the worst possible place imaginable and the ultimate deterrent and is a fine example as a symbol of the harsh treatment used to deter the 'criminal class' in Britain. Fitzroy Dock and its associated excavation and buildings are outstanding examples of the use of convict and prisoner labour for public works. The underground silos, remaining evidence from quarrying and the group of convict built structures on the island are also a testament to public works undertaken by the convicts. Although convicts under various sentences ended up at Cockatoo Island, it was established specifically as, and primarily was a place of secondary punishment for re-offending convicts.

Cockatoo Island critically represents the principal characteristics of a dual use convict site, one that both incarcerates convicts and provides them with hard labour.

Criterion

Values

(d) continued

The values expressed at Cockatoo Island are important for their ability to demonstrate the function, planning layout and architectural idiom and principal characteristics of an imperial convict public works establishment of the 1840s; and the functions, planning layout and architectural idiom and principal characteristics of a range of structures and facilities associated with the development and processes of the dockyard and shipbuilding industry over a period of 134 years.

NEW SOUTH WALES

Parramatta City

Old Government House and the Government Domain:

About 50ha, O'Connell Street, Parramatta, comprising all that part of Parramatta Park and Old Government House, as entered in the New South Wales Heritage Register on 2 April 1999, that is located to the north of the Great Western Railway Line and to the south and west of the right bank of the Parramatta River.

Criterion	Values
(a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.	Old Government House and the former Government Domain in Parramatta Park provides a most significant tangible link with the earliest days of the foundation of the colonial development of Australia in 1788. Old Government House at Parramatta is the oldest surviving public building on the Australian mainland, and the only early colonial Government House to have survived relatively intact, particularly illustrated by brick flooring of the Phillip era building of July 1790 on display. The three rooms at the front of the main section of the house date to Governor Hunter in 1799 while the remainder of the Palladian style main house and the two side pavilions date to Governor Macquarie in 1818. It provides a publicly accessible cultural focus and landmark for many Australians, providing physical evidence of the earliest years of colonial development. The house and domain also represent convict working places as well as primary sites associated with the foundation of British colonial settlement. The house itself and the surrounding historic elements such as the Crescent, the governor's dairy, the bathhouse, memorials, carriageways and gatehouses, and the remains of Governor Brisbane's observatory, all reflect the establishment of agricultural production, the administration of the colony, the administration of the convict system in Australia, the commencement of town planning, and the site of some of Australia's earliest astronomical and botanical endeavours.
(c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history.	The Government Domain is an extensive cultural landscape that has yielded archaeological evidence and has potential to yield more, particularly as a convict work place. Supporting information of historic documents and images are available in public records.

Criterion**Values**

- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
(i) a class of Australia's natural or cultural places;
or (ii) a class of Australia's natural or cultural environments.

Old Government House in its setting of the former Governor's Domain is significant as a cultural landscape of importance in Australia's history. Although the Park has been reduced from the original 99.6 hectares to 85 hectares, allocated in 1856, it contains a number of historic elements that have a tangible link with the earliest days of the foundation of British colonial settlement of Australia, and that interlink with the landscape. These historical elements include the Crescent, the governor's dairy, the bathhouse, memorials, carriageways and gatehouses, and the remains of Governor Brisbane's observatory. These historic elements demonstrate strong links with cultural processes of importance in Australia's development from a penal colony dependant on Great Britain to a self governing colony.

Old Government House provides evidence of the evolution of early colonial and convict administration. The development of the house itself mirrors the growth and complexity of these processes, both as the governor's home and as the seat of administration, while the Domain and the Crescent mark the commencement of agricultural production in Australia.

Other historic elements within the Domain provide evidence of the beginnings of astronomical and botanical science in this country. Uniquely for a site of this age in Australia, the pattern of use and living established by the early governors is still clearly legible in the house and the surviving historic elements in the landscape.

- (h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.

Old Government House and the Governor's Domain at Parramatta Park are significant for their association with the life and work in Australia of the early colonial governors. Governors Phillip, Hunter, King, Macquarie and Brisbane all resided and worked at the house, and all have left their mark on the site through their development of the fabric of the respective buildings and the enhancement of the Domain. Old Government House and the Domain provide a remarkable insight into the life and work of these governors. This insight is enhanced by the wealth of information available about the site, both in terms of its documentation and the pictorial representations and photographs of the various stages of its development.

NEW SOUTH WALES

Sydney City

Hyde Park Barracks:

Macquarie Street, corner Prince Albert Road, Sydney, comprising Lots 45 to 49 DP 47116, that part of Lot 43 DP 47116 south of the alignment of the northernmost segment of the northern boundary of Lot 49 DP 47116 and Lot 1 DP 48231.

Criterion

Values

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

Hyde Park Barracks represents a turning point in the management of British convicts in Australia. The construction of the Barracks in 1819 enabled the more systematic control of government assigned male convicts and the work they undertook. Convicts were subject to greater surveillance and their freedom was restricted. As such, the Barracks demonstrated the penal philosophy that transportation was a punishment and that convicts should be subject to hard labour and strict control.

Hyde Park Barracks is one of the first buildings of substantial design and construction to be built in a colony which until then had consisted of mainly makeshift constructions. The values of the place are reflected in the Old Colonial Georgian simplicity of design, the scale of the complex, its prominent siting and setting, the quality of the brick and stonework and interior timber construction.

Hyde Park Barracks is also important because it demonstrates Governor Lachlan Macquarie's vision for Sydney and the growing colony as a permanent settlement. On initially surveying the colony Governor Macquarie became convinced that infrastructure needed to be developed. The construction of Hyde Park Barracks as an architecturally designed and substantial structure reflects this permanency while its function as a convict barracks provided the centralised workforce necessary to sustain large scale infrastructure projects.

- (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.

Hyde Park Barracks is the only remaining barracks building and complex from the Macquarie era of convict administration, and as such, represents a rare aspect of Australia's cultural history.

The place retains its integrity as a barracks complex with its intact barracks building, its external expression of its structural elements, the simplicity of its exterior and interior with its large unadorned spaces, its perimeter walls, parts of the two gate lodges, the former pavilion, the walled enclosure and the unadorned spaces of its curtilage.

The values of the place are also reflected in the Old Colonial Georgian simplicity of the Barracks' design.

Criterion**Values**

- | | |
|---|---|
| <p>(h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.</p> | <p>Hyde Park Barracks is the only remaining place which represents the intersection between Governor Macquarie's architectural and social aspirations for the colony. Macquarie's governorship saw a significant change in the administration of the colony, as it developed from a penal colony towards a more fully fledged colonial society.</p> <p>Francis Greenway, as the first official Government Architect, is regarded by many as Australia's first architect. Hyde Park Barracks building and complex is regarded as one of his best works, and he was granted an Absolute Pardon at its opening in recognition of his contribution to the colony.</p> |
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TASMANIA

Glamorgan - Spring Bay Municipality

Darlington Probation Station:

About 376ha, Darlington, Maria Island, comprising an area bounded by a line commencing at the intersection of MGA northing 5283570mN with the High Water Mark at approximate MGA point 586027mE 5283570mN, then via straight lines joining the following MGA points consecutively; 586078E 5283541N, 586154E 5283533N, 586257E 5283575N, 586273E 5283621N, 586339E 5283706N, 586438E 5283770N, 586522E 5283857N, 586589E 5283907N, 586782E 5283965N, 587048E 5283977N, 587148E 5284006N, 587194E 5284068N, 587215E 5284162N, 587327E 5284370N, 587547E 5284301N, 587627E 5284307N, 587655E 5284378N, 587575E 5284535N, 587579E 5284702N, 587609E 5284762N, 587685E 5284806N, 587704E 5284883N, 587730E 5284911N, 587784E 5284911N, 587903E 5284877N, 587981E 5284865N, 588036E 5284824N, 588158E 5284662N, 588430E 5284450N, 588669E 5284295N, 588720E 5284221N, 588752E 5284066N, 588804E 5284012N, 588893E 5283973N, 589015E 5283969N, 589201E 5284006N, 589303E 5284058N, 589327E 5284108N, 589303E 5284201N, 589136E 5284350N, 589013E 5284452N, 588927E 5284543N, 588822E 5284704N, 588804E 5284776N, 588824E 5284851N, 588889E 5285000N, 588911E 5285173N, then directly to the intersection of MGA northing 5285205mN (approximate MGA point 588941mE 5285205mN), then northerly and southerly via the High Water Mark to the point of commencement. Also included is the jetty located at Darlington Bay.

Criterion

Values

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

As Australia's most intact example of a convict probation station, Darlington is considered to be a significant aspect of Australia's cultural history. With a natural environment setting that has few competing elements, the precinct possesses a rare sense of place. The intactness of the 13 buildings and structures and their relationship with each other uniquely demonstrate the philosophy behind the probation system.

The probation system was the last major phase of convict management in eastern Australia, implemented following the abolishment of the highly criticised assignment system. It formed a significant part in the pattern of convict history implemented in 1839 and continuing until 1854. Darlington Probation Station operated from 1842-1850. The philosophy behind a probation station was to use classification, segregation, education, religious instruction and stages of punishment to reform and manage convicts.

Of at least 78 probation stations established in Tasmania, Darlington Probation Station is the most outstanding representative example. Its isolated location made it an ideal choice for a probation station as it was away from free settlements and, being on an island, it also deterred escape.

Criterion**Values****(a)** continued

The buildings remaining at the precinct illustrate the probation system philosophy. The mess hall and school room represent the education of convicts. The chapel, clergyman's quarters and religious instructor's quarters depict the focus on religious schooling. The prisoner's barracks and ruins of the separate apartments demonstrate the classification system for convicts, whereby well behaved convicts could live together in dormitories while the worst class was housed in separate apartments. The solitary cells demonstrate the use of isolation for punishment. The convict barn and oast house/hop kilns represent some of the task work undertaken by the convicts. No other probation station in Tasmania, or Australia is able to demonstrate this strong association as effectively as Darlington Probation Station.

(h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.

Darlington Probation Station is significant for its association with the Governorship of Sir John Franklin. Franklin was Lieutenant Governor of Tasmania from 1837-1843 at a critical time in Australia's convict history, following the departure of Colonel Arthur and the Molesworth Inquiry into transportation. Governor Franklin was responsible for establishing the probation system to replace the assignment system. The probation system was a major feature of the convict system in Australia and Darlington Probation Station is the most representative and intact example of this system.

TASMANIA

Hobart City

Cascades Female Factory:

About 0.5ha, Degrares Street, South Hobart, comprising Yards 1, 3, and Yard 4 South, being Land Parcels 1/202398, 1/229358 and 1/229260.

Criterion

Values

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

Cascades Female Factory is highly significant because of its association with the lives of convict women, its demonstration of the changing philosophies of punishment and reform as they relate to women and as a place of tremendous suffering and inhumane treatment.

Convict women made a significant contribution to the development of the colonies. They contributed their labour and their presence was regarded as contributing to social cohesion and stability and they populated the colonies.

Over half of the 25 000 convict women sent to Australia were sent to Van Diemen's Land, the majority spending some time at Cascades Female Factory as it was the primary site for the reception and incarceration of women convicts. It was one of the colony's longest running penal institutions operating from 1828 to 1856.

Female factories were a unique colonial response to the management of convict women, one that reflects both moral and penal philosophies. The factories were multifunctional but were intended largely for reform. They operated as places of work, places of punishment, hiring depots and places of shelter for women between assignments and those who were sick, infirm or pregnant.

The high exterior walls surrounding Yards 1, 3 and 4 South remaining at Cascades Female Factory demonstrate the need to isolate convict women from negative influences and in turn protect society from their corrupting influence. The matron's cottage at Yard 4 South demonstrates its function both as the residence of the administrator and a model for civil society.

Cascades Female Factory had a range of infrastructure associated with its different functions, most of which is now archaeological remains. Yard 1 which was initially the full extent of the factory is thought to contain subsurface evidence of convict dormitories, twelve solitary cells, chapel, staff quarters, and separate courtyards and buildings for the nursery, hospital, kitchen and punishment, crime and hiring classes.

The changing approaches to punishment and reform are demonstrated in the move from convict dormitories in Yard 1 to the solitary apartments in Yard 3 built in 1845 which survive as sandstone footings and subfloor cavities. Isolation from fellow convicts was considered in the time of the probation system to be conducive to repentance and reform.

- (a) continued Cascade Female Factory is highly significant as a site of great suffering. Its appalling living conditions and excessively high infant mortality were the subject of numerous inquests and inquiries. Although the causes of suffering and the management regimes are very different, it can be considered along with Norfolk Island as a place of harshness and inhumanity.
- (b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history. Cascades Female Factory is rare as the only remaining female factory with substantial extant visible fabric. The remaining walls in particular evoke a sense of the isolation, control and harshness experienced by women convicts and their children. Cascades Female Factory as represented by Yards 1, 3 and 4 South is also uncommon in its extensive sub-surface occupational deposits which reflect the evolution of the Female Factory, and the later phases of its use.
- (c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history. Yards 1, 3 and 4 South are largely unexcavated and have considerable archaeological and research potential. There are also extensive documentary and pictorial collections associated with the site. The archaeological potential along with the documentary and pictorial collections can significantly add to the knowledge and understanding of convict women and their children which is an emerging area of study and scholarship.
- (g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. Cascades Female Factory is highly valued by community groups and historians as a place that reflects the significant story of convict women. The absence of intact historic sites and fabric associated with convict women makes what remains at Cascade Female Factory of national value. The place has become an important catalyst for academic and community interest in the important role convict women played in the development of the colonies. Cascades Female Factory site is also valued as an important part of the wider story of women in Australia.

TASMANIA

Tasman Municipality

Coal Mines Historic Site:

About 350ha, 3km north of Saltwater River, comprising the following areas:

1. Coal Mines Historic Site State Reserve;
2. An area bounded by a line commencing at the intersection of the northern boundary of the Coal Mines Historic Site with MGA easting 558200mE (approximate MGA point 558200mE 5241560mN), then via straight lines joining the following MGA points consecutively; 558160mE 5241830mN, 558100mE 5242480mN, 557920mE 5242660mN, 557710mE 5242560mN, 557510mE 5242070mN, then southerly to the intersection of the southern boundary of Lime Bay Nature Reserve with MGA easting 557470mE (approximate MGA point 557470mE 5241700mN), then easterly via that boundary and its alignment to the point of commencement;
3. A 340 metre seaward offset extending between the easterly prolongations of the northern and southern boundaries of the Coal Mines Historic Site. The offset extends from the High Water Mark.

Criterion

Values

- | | |
|--|--|
| <p>(a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.</p> | <p>The Coal Mines Historic Site contains the workings of a penal colliery that operated from 1833-1848. It is associated with British convict transportation to Australia and at its peak accommodated up to five hundred convicts and over a hundred others including guards and their families. It is a relict industrial landscape demonstrating the structure, spatial layout and operation of a penal probation station and its support industries (a lime kiln, a stone quarry and tanning pits), as well as a colliery where the most refractory convicts were put to hard labour. Probation stations operated on the principle that punishment and reform could be achieved by hard labour, religious instructions and education, with convicts strictly classified according to the severity of their offences.</p> <p>The place is an outstanding representation of the economic value of convict labour as evidenced in the remains of the colliery, wharves and jetties, and the ruins of the commissariat store.</p> <p>It is an outstanding representation of evolving convict management, clearly demonstrating the key features and design of a probation station for refractory convicts.</p> <p>The operation of the probation station and the hierarchy of the management is demonstrated by the remains of the commandant's house located on the rise midway between the main convict barracks and the coal mines, the relationship of officers' quarters with overseers' quarters and prisoner accommodation, the roadways between the mine, dormitories, wharves and jetties, and the semaphore sites at Coal Mines Hill and Mt Stewart. Ruins of officers' quarters, guard houses, and the bakehouse are evident near the convict barracks.</p> |
|--|--|

(a) Continued

The Coal Mines Historic Site contains the ruins of three types of prisoner accommodation, the convict barracks with solitary punishment cells, 18 cells of the 1845-6 alternating separate cell complex used for solitary confinement punishment, and the site of 108 separate convict apartments built in 1847, all of which demonstrate the classification system. The latter accommodation was used for isolating the prisoners at night. The importance of the church for the reform and moral development of convicts is evidenced in the ruins of the chapel located between the two convict barracks. Ruins of the catechist's house are located some distance from the main barracks complex.

The Coal Mines was considered a most severe place of convict punishment. The high number of solitary cells, floggings and solitary confinements indicate a comparatively high record of additional punishment. The colonial administration and Tasmanian community also considered the place as among the worst for homosexuality - homosexuality figured prominently in the anti-transportation debate and was noted in the report prepared for the United Kingdom Prime Minister William Gladstone by Charles La Trobe in 1847. With the place's dual reputation for harshness and immoral activity, it contributed to the failure of the probation system and its demise.

(b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.

The Coal Mines is one of the few Australian convict sites which outstandingly represent the economic role of convicts. It is rare as the only surviving penal coal mines with coherent surface remains. The place contains features related to the extraction of coal including coal seams at the beach, the remains of the original adits, the main pit head with original machinery footings, the boiler and the airshaft, and ground circular depressions which indicate the sites of the 1838, 1842 and 1845 main shafts. The place also contains features relating to the transportation of coal including evidence of the inclined plane for coal tram cars, which extends from the 1845 shaft on Coal Mine Hill to Plunkett Point, subsidiary inclined planes which appear as modifications to the natural landscape and the remains of wharves and jetties.

The alternating solitary cell complex built in 1845-6 is the only extant example of this form of convict punishment accommodation and an outstanding example of the extreme harshness of convict life. The cells effectively isolate convicts from contact with fellow prisoners and were a way of both punishing convicts and ensuring that homosexual activity did not occur.

(c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history.

Being the only extant penal colliery in Australia, the surviving ruins and the archaeological remains associated with the structures of Coal Mines Historic Site, have yielded and have high potential to further yield valuable information on the working conditions, technical skills, penal administration, and the mining technologies used by convicts.

Archaeological exploration of convict accommodation and associated structures, and in particular, the dormitories and solitary cells as well as

Criterion

Values

(c) continued

the site of the separate apartments have the potential to provide a greater understanding of the lives and conditions for convicts in a place that was renowned for its harshness and 'immorality'. The existence of extensive historical documents in public collections and its ability to provide additional contextual information to evidence uncovered at the site enhances the importance of the research potential of the place.

EXTERNAL TERRITORIES**Norfolk Island Area****Kingston and Arthurs Vale Historic Area:**

About 250ha, at Kingston, being an area bounded by a line commencing at the High Water Mark approximately 120m to the south east of Bloody Bridge, then proceeding westerly via the High Water Mark to about 230m west of the eastern boundary of Block 91a, then from high water level following the watershed boundary along the ridge west of Watermill Creek up to the 90m contour, then north-westerly via that contour to the boundary of Block 176, then following the western and northern boundary of Block 176 or the 90m ASL (whichever is the lower) to the north west corner of Block 52r, then via the northern boundary of Block 52r and its prolongation across Taylors Road to the western boundary of Block 79a, then northerly and easterly via the western and northern boundary of Block 79a to its intersection with the 90m ASL, then easterly via the 90m ASL to its intersection with the eastern boundary of Block 64b, then south easterly via the eastern boundary of Block 64b to its intersection with Block 65d2, then northerly and southerly via the northern and eastern boundary of Block 65d2 to Rooty Hill Road, then directly across this road to the north east corner of Block 67a, then south easterly via the north east boundary of Block 67a to its intersection with the north west boundary of Block 67c, then north easterly and south easterly via the north west and north east boundary of Block 67c to Driver Christian Road, then easterly via the southern side of Driver Christian Road to a point where it veers south (approximately 60 metres to the east), then southerly via the western road reserve boundary of Driver Christian Road and its prolongation to the High Water Mark (point of commencement).

Criterion**Values**

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

Kingston and Arthur's Vale Historic Area (KAVHA) is outstanding as a convict settlement spanning the era of convict transportation to eastern Australia. It is a cultural landscape comprising a large group of buildings from the convict era, some modified during the Pitcairn period (the third settlement), substantial ruins and standing structures, archaeological remains, landform and landscape elements.

KAVHA is of outstanding national significance in demonstrating the role of the penal systems and changes in penal philosophy in the Australian colonies from 1788-1855.

KAVHA is important for its role in the evolution of the colonies of both Van Diemen's Land and New South Wales. The buildings, archaeological remains and landforms of the First Settlement illustrate British convict settlement at the beginning of European occupation of Australia.

The design and layout, buildings, archaeological remains, engineering works and landscaping of the KAVHA Second Settlement (1825-1855) demonstrate the planning and operation of a nineteenth century penal settlement with a very high degree of integrity.

Criterion	Values
(a) Continued	KAVHA is an outstanding example of a place of severe punishment. It was purposefully established to be the extreme element in the overall convict management system. Its aim was to create fear and prevent crime and re-offending. It became known as 'hell in paradise' for its brutal and sadistic treatment of inmates and this reputation spread beyond the colonies to Britain and ultimately served to fuel the anti-transportation debate. The Second Settlement buildings and archaeological remains of the convict establishment, the New Gaol, the Prisoners' Barracks, and the Crankmill demonstrate the harshness and severity of the treatment of convicts.
(b) the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.	KAVHA is uncommon as a place where a distinctive Polynesian/European community has lived and practised their cultural traditions for over 150 years. Aspects of the Third Settlement period including the artefacts, archives, Pitcairn language and ongoing use of the Cemetery are of national significance.
(c) the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history.	The KAVHA artefact collections, the buildings in their landscape setting, the archaeological remains and the documentary records have significant potential to contribute to understanding the living and working conditions of convicts, the military and civil establishment, women and children, and changes in penal practice and philosophy during the span of convict transportation. KAVHA has research potential to yield information on pre-European Polynesian culture, exploration and settlement patterns.
(d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places; or (ii) a class of Australia's natural or cultural environments.	KAVHA demonstrates the principal characteristics of a longstanding penal settlement in its physical layout, governance arrangements, the management and control of convicts, and the functional arrangements associated with settlement. It has substantial ruins, standing structures and archaeological sub-surface remains related to its operation as a place of primary incarceration and early settlement, as a place of secondary punishment and finally as a place spanning both incarceration and secondary punishment.

Criterion**Values**

(d) continued

The 1829 Government House, one of the earliest and most intact remaining government house buildings in Australia, is positioned prominently on Dove Hill with commanding views of the military precinct, colonial administration, convict quarters, farmland and the pier. The military precinct on Quality Row contains two extant barracks complexes: the Old Military Barracks and officers quarters constructed between 1829-1834 surrounded by high walls giving it an appearance of a military fortress; and the New Military Barracks commenced in 1836 which follows a similar fortress-like design. The Commissariat Store (now All Saints Church) (1835) is the finest remaining colonial (pre 1850) military commissariat store in Australia. The Old Military Barracks, together with the Commissariat Store and the New Military Barracks, form a group of buildings which is the most substantial military barracks complex in Australia dating from the 1830s. The military complexes are positioned in view of the convict precinct located closer to the water and at a lower elevation to optimise surveillance. Nine houses in Quality Row built from 1832-47 provided quarters for military and civil officers.

The archaeological remains of the two convict gaols, the perimeter walls and archaeological remains of the Prisoners' Barracks (1828-48) with the Protestant Chapel, show the development of penal philosophies with the original gaol built for barrack type accommodation while the extant remains of the New Prison and its perimeter walls (1836-40, 1845-57) provides a rare representation of a radial design. The role of harsh labour as punishment is evident in the archaeological remains of the blacksmith's shop (1846); lumber yard; water mill; the crankmill (1827-38), the remains of the only known human powered crankmill built in Australia before 1850; the salt house (1847); the windmill base (1842-43); lime kilns; the landing pier (1839-47) and sea wall, two of the earliest remaining large scale engineering works in Australia. The possibility of reform is evident in the Protestant and Catholic clergyman's quarters.

The settlement patterns are evident in the existing street layout and in the buildings along Quality Row which form the most extensive street of pre 1850 penal buildings in Australia. The functioning of the settlement is evident in the remains of institutions, buildings and precincts such as the commandant's house; magistrate's quarters; the ruins of the hospital, built on First Settlement remains (1829); the Surgeon's quarters and kitchen (1827), on the site of a First Settlement Government House, one of the earliest European dwellings in Australia; the Royal Engineer's office and stables (1850); the Beach Store, a former commissariat store (1825); a double boat shed (1841); the Police Office, now boatshed (1828-29); the flaghouse (1840s); Constable's Quarters, partly standing (1850-53); and the cemetery which has an outstanding collection of headstones and other remains dating from the earliest period of European settlement, including the first and second penal settlement periods and the Pitcairn period with

Criterion	Values
(d) Continued	associations with the Bounty, set in an evocative and picturesque historical landscape. Many stone walls, wells, drains, building platforms, bridges including Bloody Bridge, culverts, roads, quarry sites, privies and archaeological sites of former buildings remain which are important in demonstrating the rich patterns of KAVHA's settlement history. The remnant serpentine landscape is an outstanding example of colonial period (pre-1850) attitudes to landscape design in Australia.
(e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.	KAVHA is outstanding for its picturesque setting, historic associations, part ruinous configuration and subsequent lack of development. The aesthetic qualities of the landscape have been acknowledged since the First Settlement, forming the subject matter of an artistic record that has continued to the present. Elements that contribute to the aesthetic qualities of the place include the sea, reef and islands, historic graves, Quality Row buildings, the New Gaol and prisoner's barracks in a ruinous state, and the extent of the nineteenth century buildings. The picturesque landscape setting, with its domestic scale and agricultural character, is valued for the contrast it represents between the horror of the past and the charm of the present. KAVHA is outstanding for its views across the site, within the site, from the site to the seascape, and views of the site in its landscape setting.
(g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.	KAVHA was the landing place of the Pitcairn Islanders in 1856. Their descendants today comprise nearly a third of Norfolk Island's population. They value KAVHA as a place of special significance because it has been continually and actively used as a place of residence, work, worship and recreation. KAVHA is valued by the Norfolk Island residents for being a place of traditional and ongoing uses, including the continuity of a working waterfront at the Landing Pier; the centre of Norfolk Island administration; continuing religious worship at All Saints Church and the community's burial place at the cemetery; areas for recreation and sports; and as the cultural centre with cultural and social events, museums and archaeological sites.

Criterion	Values
(h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.	KAVHA is significant for its association with Lt Philip Gidley King RN in successfully establishing the First Settlement on Norfolk Island at the KAVHA site which contributed to the survival of the infant colony of New South Wales. KAVHA is significant for its association with Alexander Maconochie who formulated and applied most of the principles on which modern penology is based during the period he was Superintendent of Norfolk Island.

For a description of any references quoted above, and more information on each of the places please search the Australian Heritage Database at <http://www.environment.gov.au/cgi-bin/ahdb/search.pl> using the name of the place.

Execution page

EXECUTED as a conservation agreement under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)

SIGNED for and on behalf of the
Commonwealth of Australia by the
Minister for the Environment

Greg HUNT

Name

[Signature]
Signature

23/12/2015
Date

Samantha Robin

Name of witness (print)

[Signature]
Signature of witness

23/12/2015
Date

**THE OFFICIAL SEAL of PARRAMATTA
CITY COUNCIL** was affixed in the
presence of and the sealing is attested by:

[Signature]
Signature of Chief Executive Officer
Acting

21 September 2015
Date

[Signature]
Signature of Lord Mayor

21 September 2015
Date

SIGNED for and on behalf of the State of
NSW by the Minister for Planning (NSW)

Robert Baker

Name

[Signature]
Signature

23.12.15.
Date

DANIEL HILL

Name of witness (print)

[Signature]
Signature of witness

23-12-15
Date

Annexure A – The Property and Highly Sensitive Area

Figure A - Highly Sensitive Area map including Areas A1, A2, B and C and boundaries for those Areas

Figure B - Property map including buffer zone and viewing locations and orientations

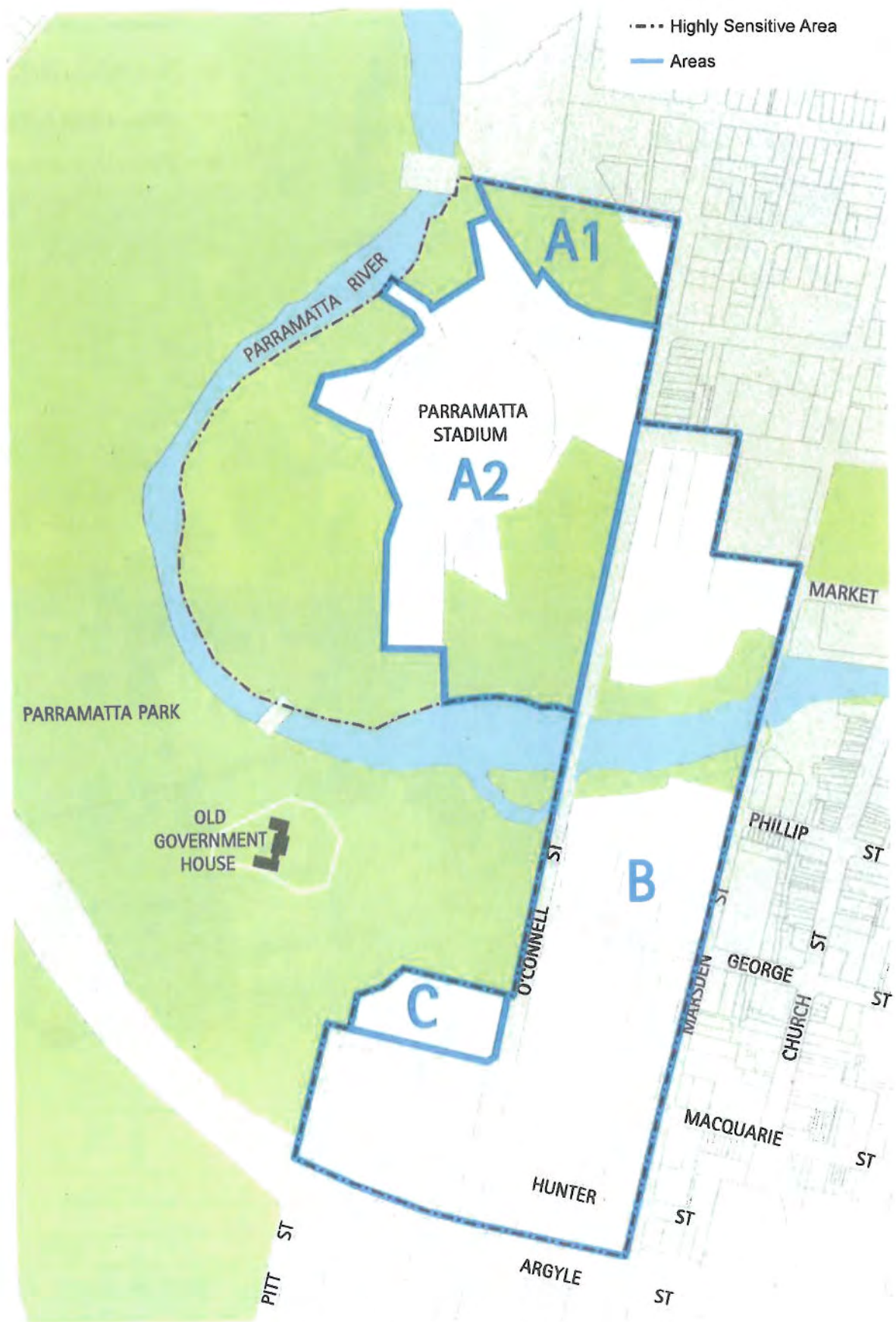
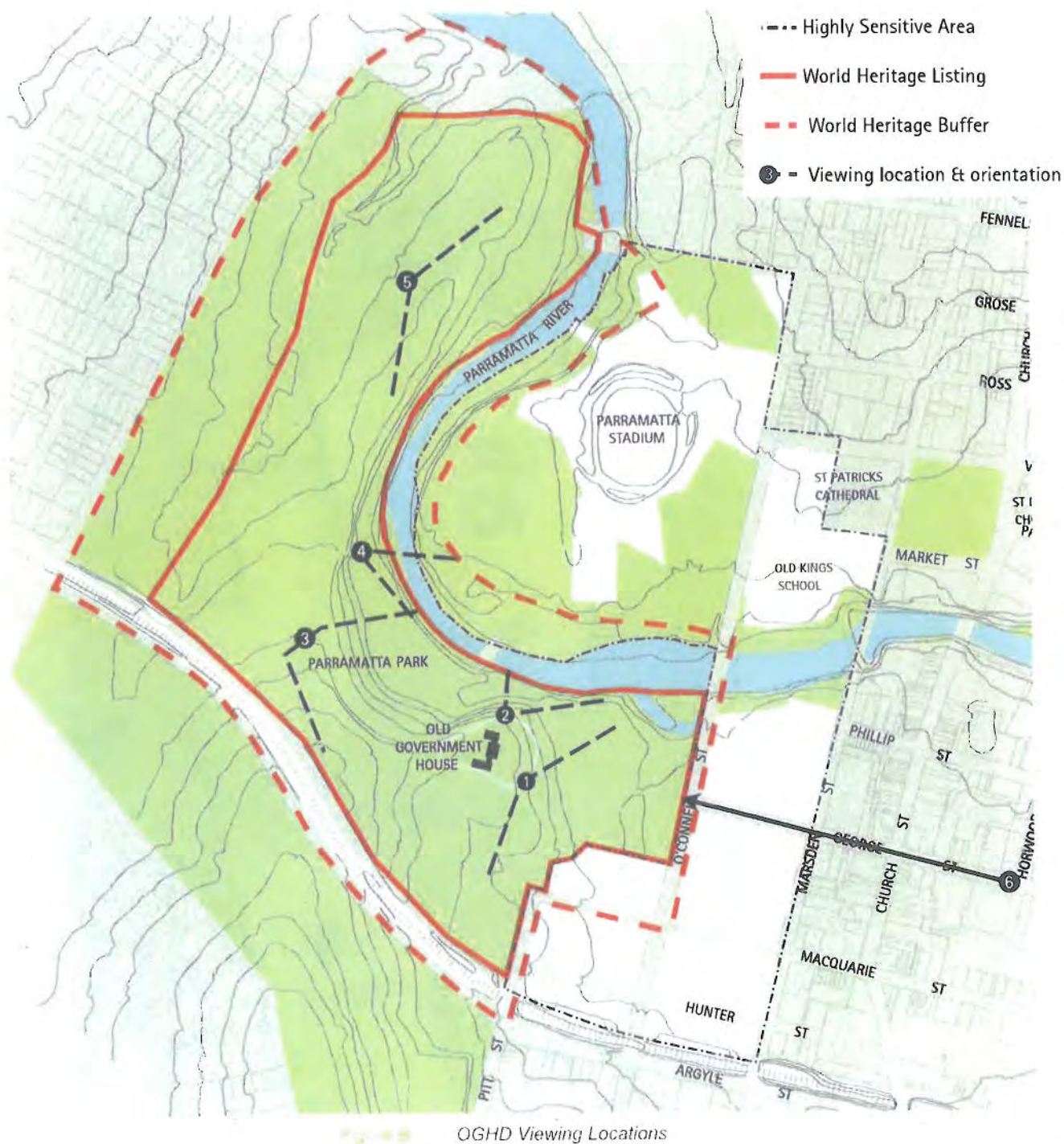


Figure A Highly Sensitive Area Map



Map reference	View
1	From lawns east and south of OGH towards the city
2	From NE corner of OGH to Old Kings School
3	From Bath House area west of OGH to city
4	Parramatta River views towards city from road within Parramatta Park on west side of river
5	From Dairy Precinct within Parramatta Park looking north east and south east towards city
6	West along George Street towards Gatehouse of OGH

Annexure B – Highly Sensitive Area Controls

The controls specified in the definition of “Highly Sensitive Area Controls” in clause 1.1 of this Agreement.



[Whole title](#) | [Parent Act](#) | [Historical versions](#) | [Historical notes](#) | [Search title](#) | [Maps](#) |

Parramatta City Centre Local Environmental Plan 2007

Historical version for 25 May 2015 to 18 June 2015 (accessed 10 September 2015 at 15:48)

Current version

[Part 4](#) → Clause 21

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21 Height of buildings

- (1) The objectives of this Plan for the control of the height of buildings are as follows:
 - (a) to allow sunlight access to key areas of the public domain by ensuring that further overshadowing of parks, the river and community places is avoided or limited during nominated times,
 - (b) to provide high quality urban form for all buildings,
 - (c) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of tower forms and to public areas, including parks, streets and lanes,
 - (d) to ensure that taller development occurs on sites capable of providing appropriate urban form and amenity,
 - (e) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
 - (f) to require the height of future buildings to have regard to heritage sites, and their settings, their views and their visual interconnections,
 - (g) to ensure the preservation of historic views shown in the City Centre Development Control Plan.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

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Whole title | Parent Act | Historical versions | Historical notes | Search title | Maps |

Parramatta City Centre Local Environmental Plan 2007

Historical version for 25 May 2015 to 18 June 2015 (accessed 10 September 2015 at 15:48)

Current version

Part 4 » Clause 21A

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21A Architectural roof features

- (1) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 21 may be carried out, but only with consent.
- (2) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

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Whole title | Parent Act | Historical versions | Historical notes | Search title | Maps |

Parramatta City Centre Local Environmental Plan 2007

Historical version for 25 May 2015 to 18 June 2015 (accessed 10 September 2015 at 15:47)

Current version

Part 4 ▸ Clause 22

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22 Floor space ratio

- (1) The objectives of this Plan for the control of floor space ratios are as follows:
 - (a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Parramatta city centre,
 - (b) to ensure that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of this Plan,
 - (c) to provide sufficient floor space for high quality development for the foreseeable future,
 - (d) to regulate density of development and generation of vehicular and pedestrian traffic,
 - (e) to encourage increased building height and site amalgamation at key locations.
- (2) Except as provided by subclauses (3) and (4A) and clause 22B, the floor space ratio of a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.
- (3) The maximum floor space ratio for buildings on land for which the maximum floor space ratio shown on the Floor Space Ratio Map is specified in Column 1 of the Table, is the amount specified opposite that floor space ratio in:
 - (a) Column 2 of the Table, if the site area for the development is less than or equal to 1,000m², or
 - (b) Column 3 of the Table, if the site area for the development is greater than 1,000m² but less than 2,500m², or
 - (c) Column 4 of the Table, if the site area for the development is equal to or greater than 2,500m².

TABLE – FLOOR SPACE RATIO

Column 1	Column 2	Column 3	Column 4
6:1	4:1	(4 + 2X):1	6:1
8:1	5:1	(5 + 3X):1	8:1
10:1	6:1	(6 + 4X):1	10:1

- (4) For the purposes of Column 3 of the Table to subclause (3):

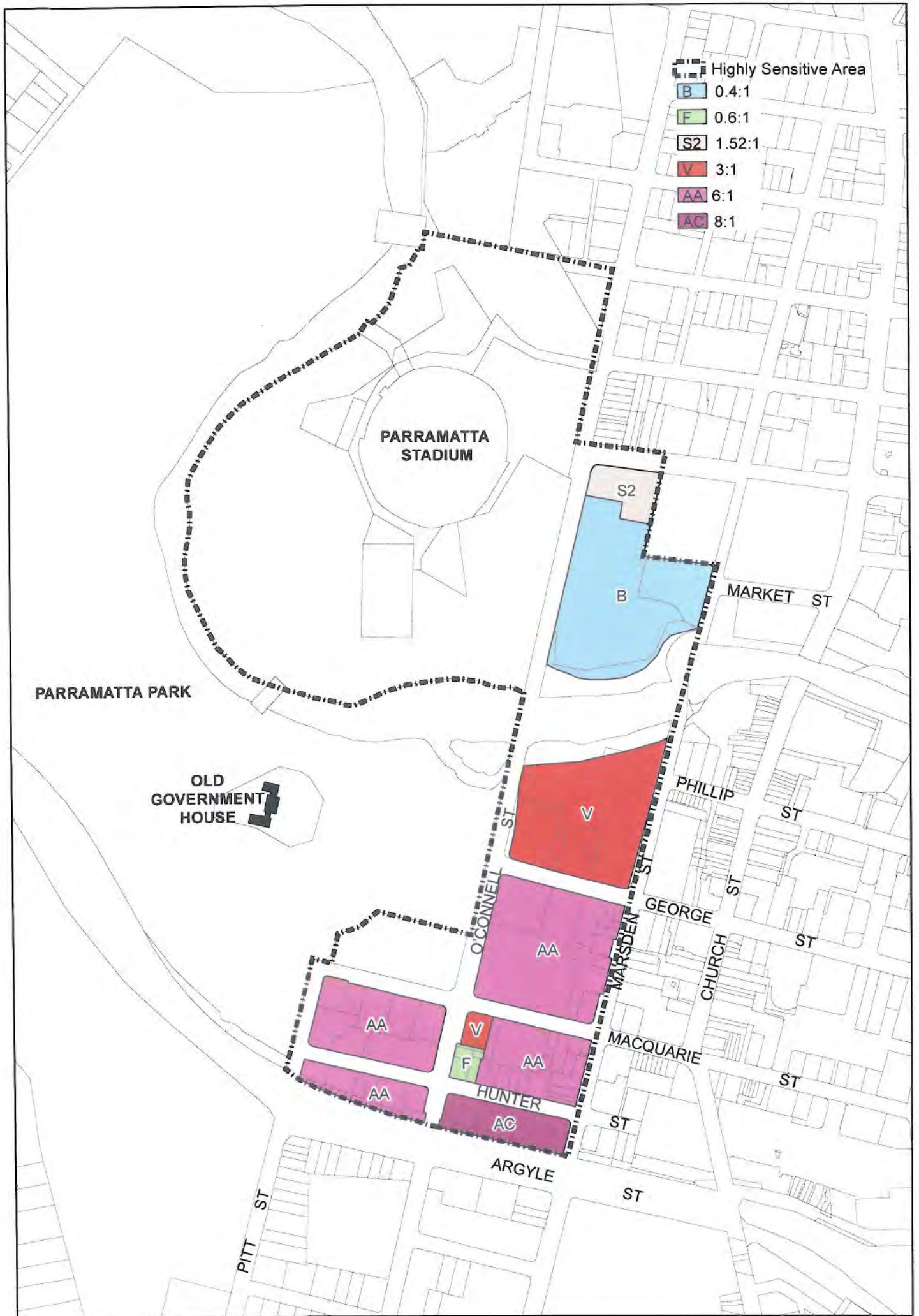
$$X = (\text{the site area in square metres} - 1000) / 1500$$

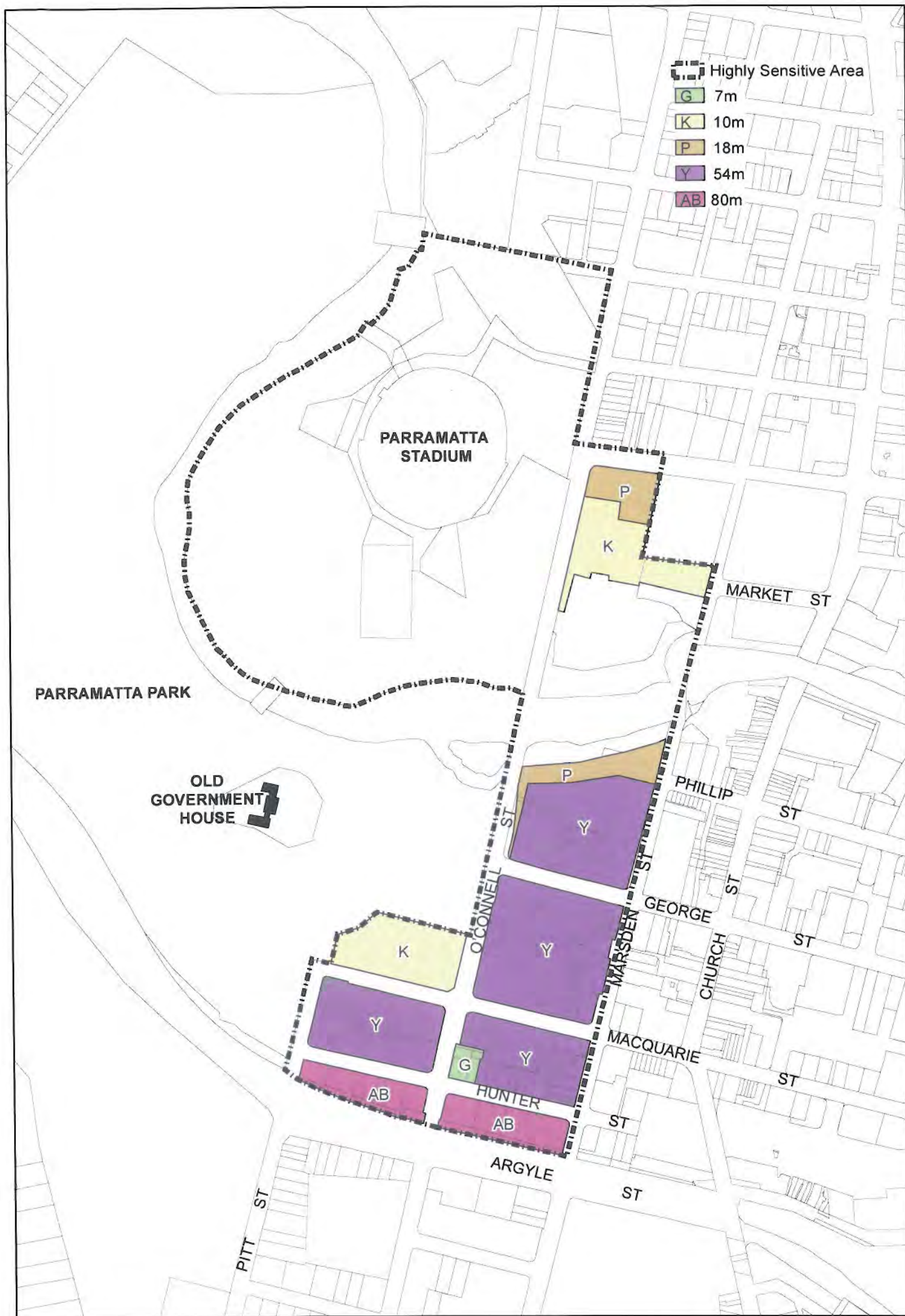
- (4A) The maximum floor space ratio for any development that does not include residential accommodation on land identified as “Area 2” on the Special Provisions Area Map is as follows:

- (a) if the floor space ratio for all development on land identified as “Area 1” on that map does not exceed 2:1—11:1,
- (b) if the floor space ratio for all development on land identified as “Area 1” on that map exceeds 2:1—6:1.

- (5) Despite any other provision of this Plan, the following are not to be considered in the calculation of floor space ratios for the purposes of this Plan:

- (a) land owned by the Council that is used for public access purposes, roads or laneways,
- (b) any part of a building used as a public right of way at ground floor level if that use is required by the consent authority as a condition of development consent,
- (c) any part of a building used for public information facilities at ground floor level, if the facility is required by the Council as a condition of development consent.





c) Park Edge

The Park Edge Special Area is located at the western edge of the Parramatta city centre adjacent to and including part of Parramatta Park (see figure 4.3.3.7.6). Buildings within this area form a backdrop to Parramatta's Old Government House and Domain (OGHD).

OGHD is one of eleven sites in a group forming the Australian Convict Sites on the UNESCO World Heritage List. OGHD is also on the National Heritage List.

The Park Edge (Highly Sensitive) Area has been identified in the study Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values, Planisphere 2012, (available on Council's web site) as an area where development is likely to have a significant impact on the world and national heritage values of OGHD, unless it is designed to mitigate potential impact to below a significant impact threshold.

In this study, the key determinants of whether development will have a significant impact on the world and national heritage values of OGHD are the view sheds of the highly significant views from and of OGHD, the proximity of the development to OGHD and topography. The layering of these three elements makes development within the Park Edge Special Area likely to have a significant impact.

Under the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act, 1999, development that is likely to have a significant impact on the world and national heritage values of OGHD must be referred to the Australian Government Department of Sustainability, Environment, Water, Populations and Community for approval from the Australian Government Environment Minister.

As this requirement has led to uncertainty and additional assessment processes, Council has worked with the Commonwealth and State Governments to enter into a Conservation Agreement. This agreement is made under the EPBC Act and removes the need for Commonwealth referrals of developments within the Park Edge (Highly Sensitive) Area under the EPBC Act, as long as the proposed development complies with the specified planning controls in the agreement. Compliance with these specified planning controls will mitigate significant impacts of development on the values of OGHD under its world and national heritage listing.

The planning controls include the applicable maximum building height and floor space ratio controls under the City Centre LEP 2007. They also include the DCP controls outlined in this section of the DCP. When these controls are complied with, development applications will not need to be referred to the Commonwealth Government for approval under the EPBC Act.

Park Edge Special Area Built Form Controls

The Park Edge Special Area is divided into four areas, with specific controls relating to each sub area.

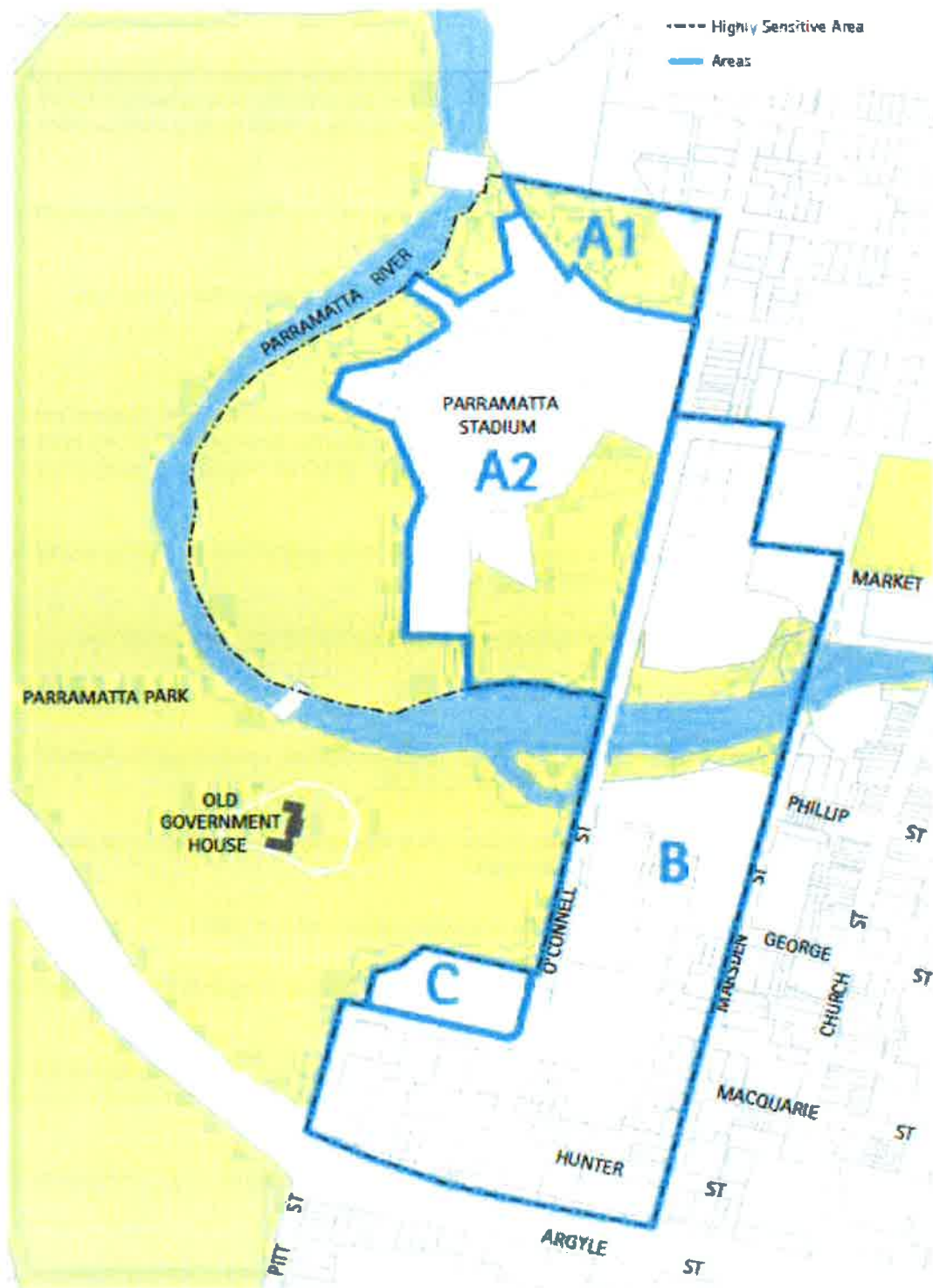


Figure 4.3.3.7.6 Park Edge Highly Sensitive Area

Area A.1– Parramatta Leagues Club Site

- (a) At least 80% of the building height must be contained below the level of the surrounding established tree canopy of Parramatta Park when viewed from any of the key viewing locations from OGHD shown in Figure 4.3.3.7.7. Any building element must be oriented so as to minimise the visual impact from these viewing locations.
- (b) External building materials must be muted in colour with matt finishes to minimise contrast with the park surrounds and be complementary to its setting.
- (c) Signage on the upper level of buildings must not face the Domain of Parramatta Park.

Area A.2 – Parramatta Stadium Site, Parramatta Pool and Car Park

- (a) At least 80% of the building height (other than lighting towers for Parramatta Stadium) must be contained below the established tree canopy of Parramatta Park when viewed from any of the key viewing locations from OGHD shown in Figure 4.3.3.7.7. Buildings must be oriented so as to minimise the visual impact from these viewing locations.
- (b) External building materials must be muted in colour with matt finishes to minimise contrast with the park surrounds and be complimentary to its setting.
- (c) Signage on the upper level of buildings must not face the Domain of Parramatta Park.

Area B

- (a) The street frontage height for podiums, setbacks to the street, side and rear boundaries must comply with figures 4.3.3.7.8, 4.3.3.7.9 and 4.3.3.7.10.
- (b) Upper level building setbacks must contribute to spaces between buildings and an openness in the city skyline, with upper level setbacks of:
 - (i) 8 metres at the river foreshore as shown in figure 4.3.3.7.11: and
 - (ii) 6 metres at the street frontage as shown in figure 4.3.3.7.12; except for George Street (see clause c).
- (c) Upper level building setback to George Street of 20 metres must comply with figure 4.3.3.7.13, to frame the vista along this street, reinforcing the historic Georgian town plan and the relationship between George Street and OGHD.
- (d) Upper level side and rear building setbacks must comply with figure 4.3.3.7.10 to contribute to spaces between buildings and an openness in the city skyline.
- (e) Where reasonably practicable, having regard to the orientation of the particular development parcel, buildings must be oriented with their narrow end not exceeding 30 metres in width facing the Domain.
- (f) External building materials must reduce visibility against the sky, for example, use of light colours or reflective surfaces.
- (g) Signage on the upper level of buildings must not face the Domain of Parramatta Park.

Minor departures exceeding the above built form controls (by up to 5%) for Area B will only be permitted where the consent authority is satisfied that the visual impact of the proposed development will not visually dominate OGHD as a result of any such variation when the proposed development is viewed from any of the key viewing locations from OGHD shown in Figure 4.3.3.7.7.

Area B Building Height and Floor Space Ratio controls

The Parramatta City Centre LEP 2007 specifies the applicable maximum building height and floor space ratio controls for Area B within the Park Edge Special Area. Bonus height and floor space ratio provisions under the LEP apply when the development exhibits design excellence as judged under an architectural design competition.

When a design competition is carried out for development within the Park Edge Special Area, the brief for the design competition will specify that consideration must be given to the protection of the world and national heritage values of OGHD from significant impacts when the proposed development is viewed from any of the key viewing locations shown in Figure 4.3.3.7.7 and that the requirements of this section of the DCP are complied with.

In Area B, minor variations to building height such as for architectural roof features, or minor variations in floor space ratio of up to 5%, will only be permitted where the consent authority is satisfied that the visual impact of the proposed development will not visually dominate OGHD as a result of any such variation when the proposed development is viewed from any of the key viewing locations from OGHD shown in Figure 4.3.3.7.7.

Area C – Lot 362 DP 752058, No. 2 Macquarie Street Parramatta (RSL Site)

- a) Built form is to provide minimum setbacks to Parramatta Park as indicated in Figure 4.3.3.7.14. The setbacks are to provide a transition from built form to the soft landscaping in Parramatta Park and are to be predominantly landscaped.
- b) Buildings are to be sited to enable the retention and protection of the heritage fence at the O'Connell Street and Macquarie Street frontages. The siting and spacing of buildings across the site shall also respect the important relationship of the RSL site to the landscape setting of Parramatta Park, including the park entrance from Macquarie Street and the gatehouse at this entrance.

- c) The maximum building height is 10 metres.
- d) External building materials must be muted in colour with matt finishes to minimise contrast with the park surrounds and be complimentary to its setting.
- e) Signage on the upper level of buildings must not face the Domain of Parramatta Park.

Protection of important views to and from Old Government House and Domain

Within the Park Edge Special Area, development must not be carried out that obstructs the sight lines between Old Government House and the Old Kings School site and the spire of St Patrick's Cathedral.

Note: Parramatta Park is also listed on the NSW State Heritage Register and as an item of State Heritage significance under the Parramatta City Centre LEP 2007. These listings mean that the provisions of the Heritage Act, 1977 and the heritage clauses of Parramatta City Centre LEP 2007 must be complied with for development on or within the vicinity of OGH. These considerations do not impact on the referral requirements of the EPBC Act.



Map reference	View
1	From lawns east and south of OGH towards the city
2	From NE corner of OGH to Old Kings School
3	From Bath House area west of OGH to city
4	Parramatta River views towards city from road within Parramatta Park on west side of river
5	From Dairy Precinct within Parramatta Park looking north east and south east towards city
6	West along George Street towards Gatehouse of OGH

Figure 4.3.3.7.7 OGHD Viewing Locations

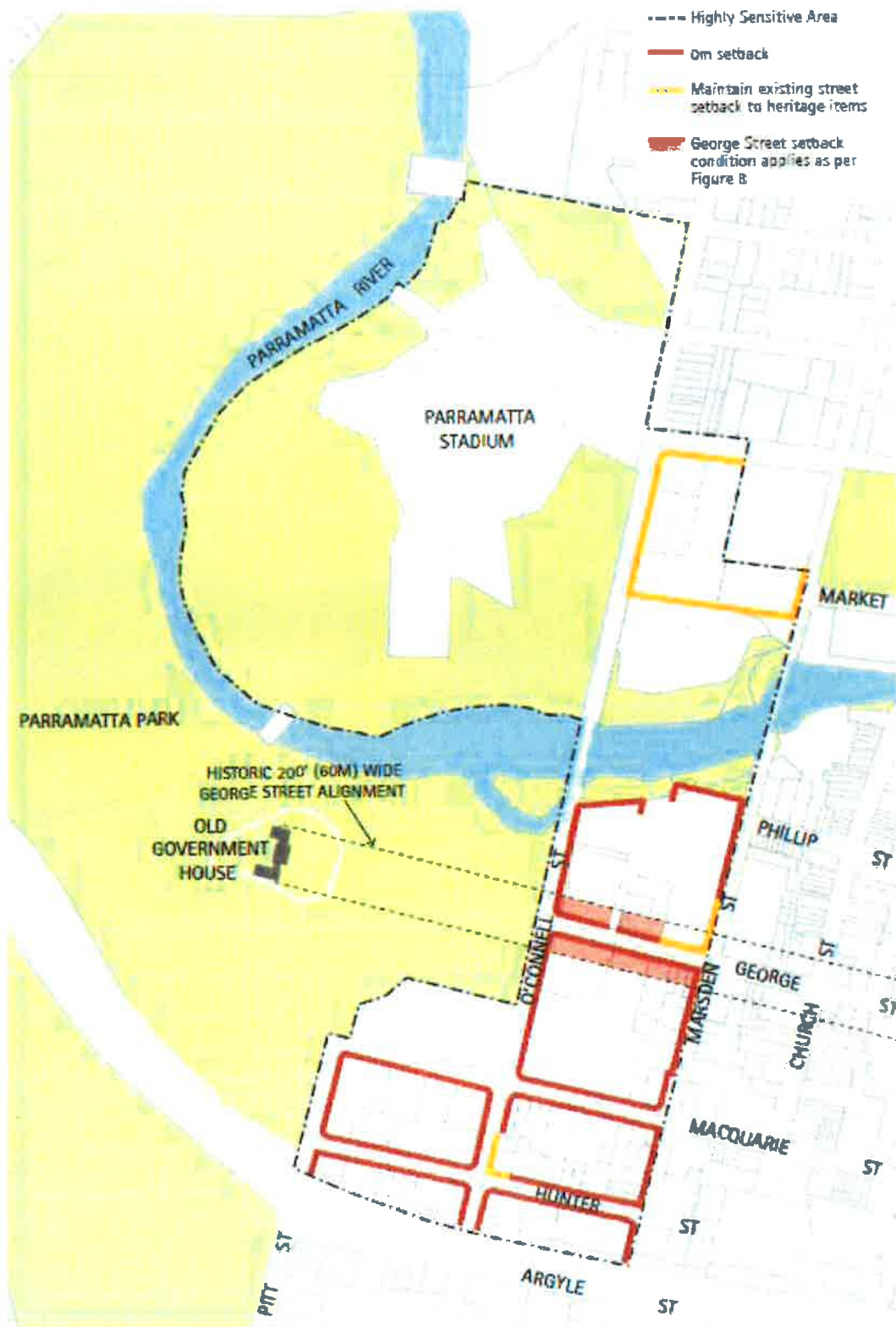


Figure 4.3.3.7.8 Building Alignment and front Setbacks (to streets, public domain and water courses)

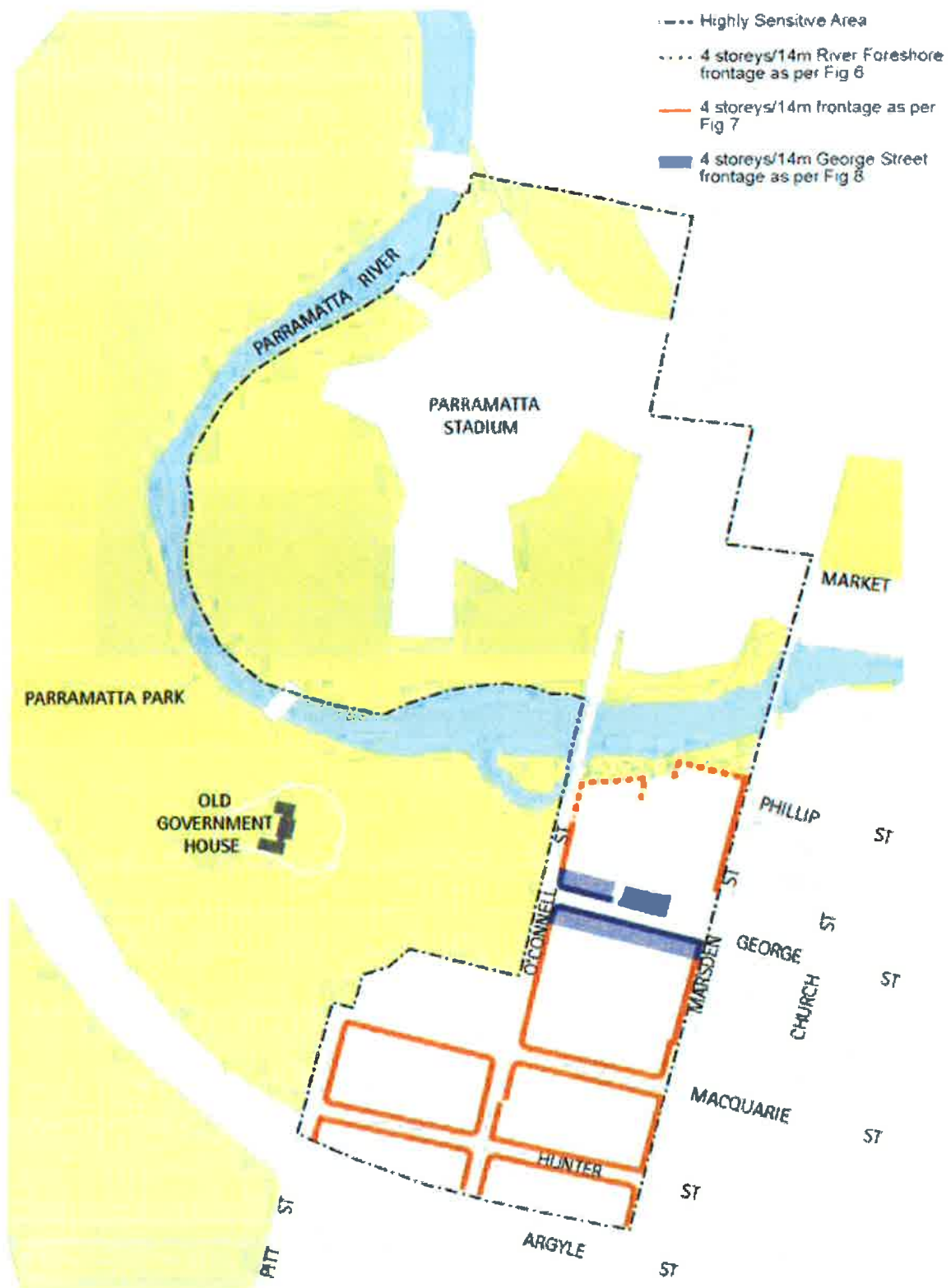


Figure 4.3.3.7.9 Street/River Frontage Heights (Podiums)

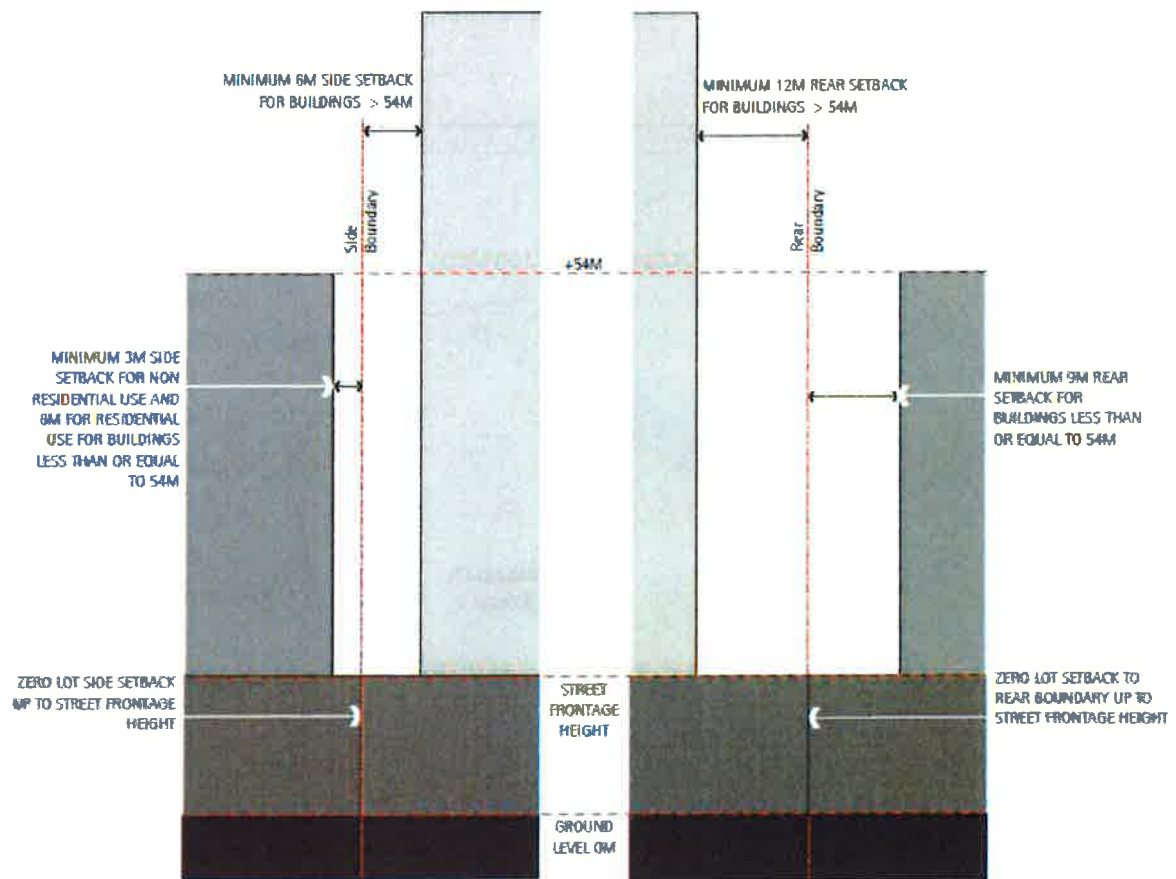


Figure 4.3.3.7.10 Side and Rear Setbacks

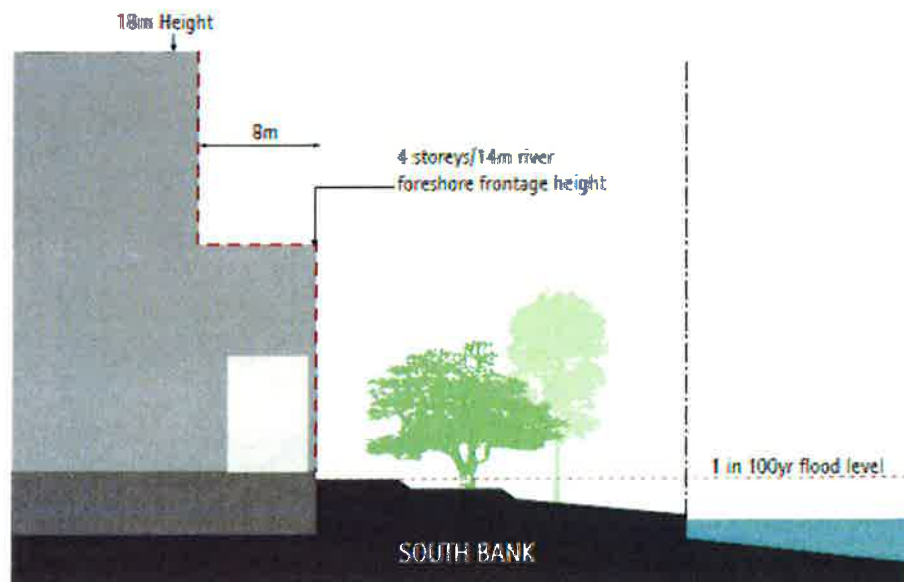


Figure 4.3.3.7.11 River Foreshore

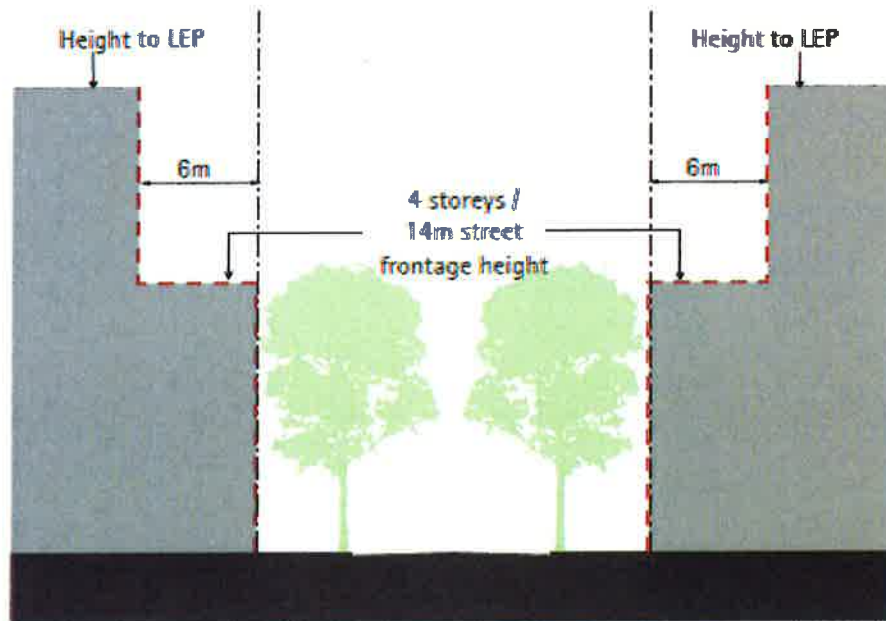


Figure 4.3.3.7.12 4 storeys/14 metre street frontage height

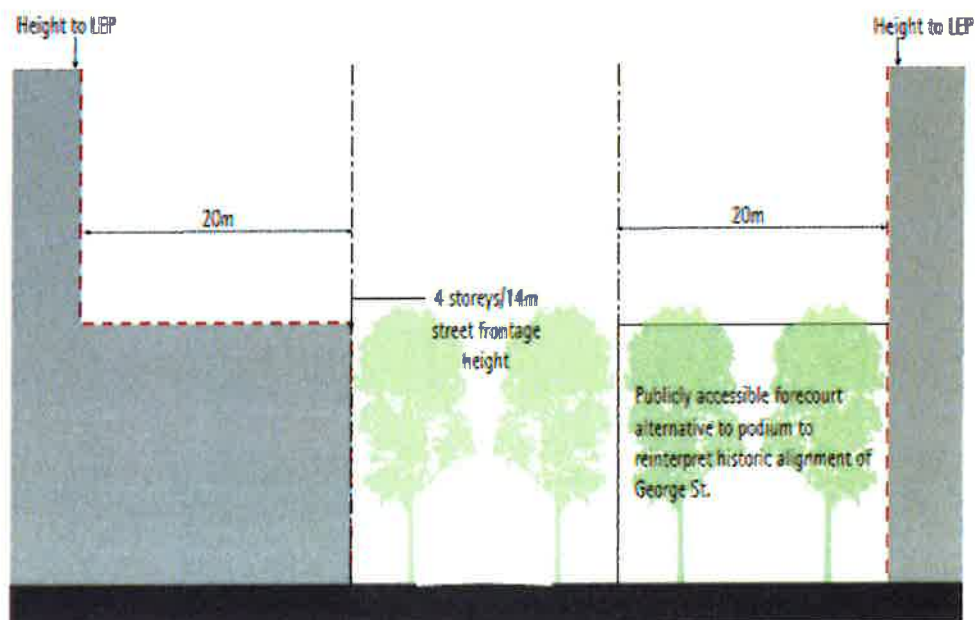


Figure 4.3.3.7.13 George Street

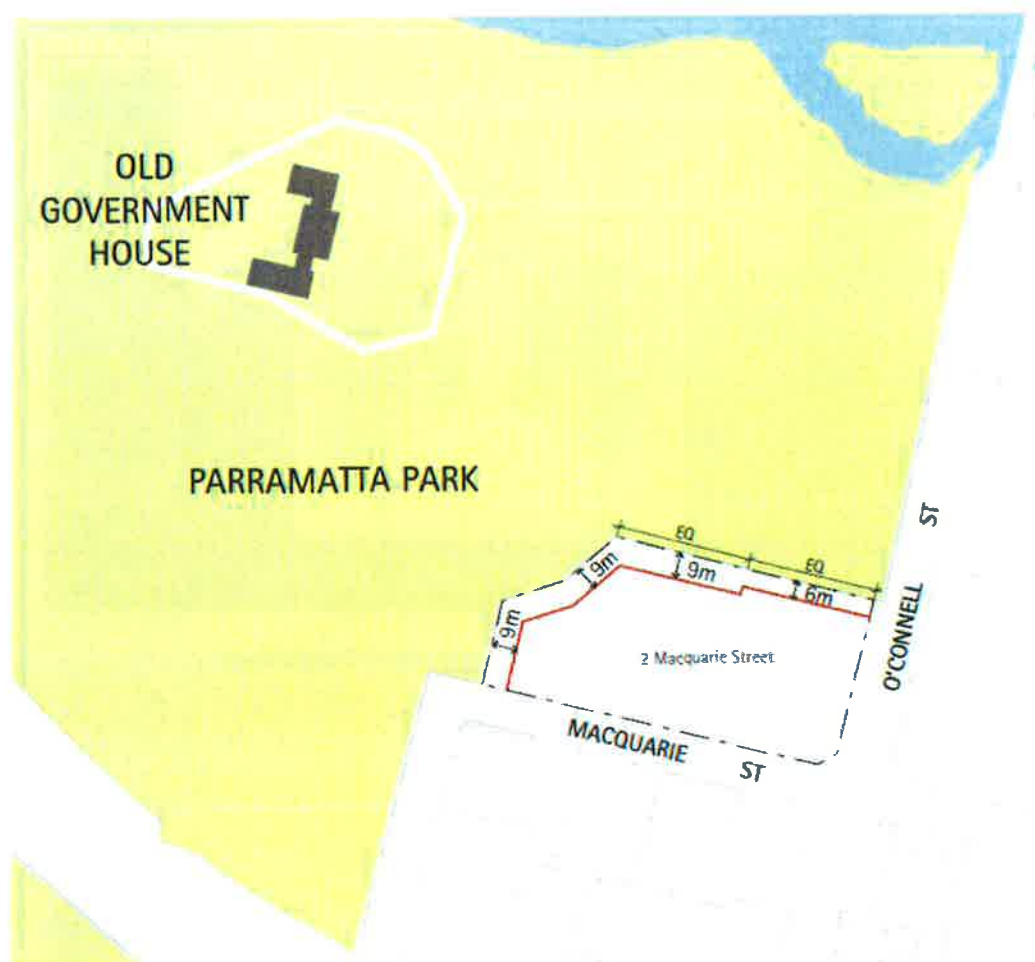


Figure 4.3.3.7.14 2 Macquarie Street, Parramatta - Setback to Parramatta Park