

EXPLANATORY STATEMENT

Issued by the Great Barrier Reef Marine Park Authority

Environment Protection and Biodiversity Conservation Act 1999

Lady Elliot Island Lightstation Heritage Management Plan

Subsection 341S (1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires a Commonwealth Agency –in this case the Great Barrier Reef Marine Park Authority (the Authority)– to make a written plan to protect and manage the Commonwealth Heritage values of a Commonwealth Heritage place it owns or controls.

The Lady Elliot Island Lightstation Heritage Management Plan (the Plan) provides for the future management of the Lady Elliot Island Lightstation (the Lightstation) by the Authority, with the objective of identifying, protecting, conserving, presenting and transmitting the Commonwealth Heritage values of the place. The Plan contains a detailed description of the history and cultural significance of the Lightstation, as well as its physical elements and condition. Importantly, the Plan sets out the operational requirements for the management of the Lightstation, heritage management policies that guide the management and protection of the Commonwealth heritage values of the Lightstation and plans for the Authority to implement such operational requirements and policies.

Background

The Lightstation is located on the western side of Lady Elliot Island, which is situated at the southmost end of the Great Barrier Reef approximately 90 kilometres north-east of Bundaberg and 150 kilometres east-south-east of Gladstone. The main site to which the Plan applies is the Lightstation precinct, which is 0.8 hectares in size.

Additionally, the Plan applies to the area west of the airstrip, which is defined as an area sensitive to the heritage values of the Lightstation setting. The Lightstation precinct contains the lighthouse, a cluster of associated service buildings (including a workhouse, power house, the old power house, a fuel store and drum platform), three houses, a boat shed, water tanks, clothes hoists and a concrete loading dock.

The Lightstation was established in 1866 and is significant as evidence of important steps in the development of a system of navigational aids along the Queensland coast in the nineteenth century. The centrepiece is a lighthouse first lit in 1873 that was the first of a series designed in Queensland to suit local conditions and economic constraints. The lighthouse and its associated buildings, most dating from the early twentieth century, demonstrate the way such lightstations were developed in response to changes in social expectations and technological capabilities. The lighthouse is also significant as a prototype timber-framed and iron-plated tower, and demonstrates a high level of technical achievements at the time. The tower exemplifies in an important way the role of architects Robert Ferguson and F.D.G. Stanley. Additionally, the Lightstation has valuable aesthetic characteristics and is important as

a characteristic example of the type of lighthouse complex developed along the Queensland coast and on the Great Barrier Reef islands in the late nineteenth century, and maintained through the twentieth century.

The place was included on the Commonwealth Heritage List in 2004 for its historic values. This listing recognises the cultural values of the place, which relate to processes, rarity, characteristic values, aesthetic characteristics, technical achievement and significant people.

The historic Lightstation is no longer used for navigational purposes. The Australian Maritime Safety Authority leases a small area nearby the Lightstation precinct for the purpose of operating a modern navigation tower. The remainder of Lady Elliot Island, including the Lightstation precinct is leased to a company that operates the tourist resort on Lady Elliot Island.

Structure and content of the Plan

The Plan has been prepared in a manner which is consistent with the Commonwealth Heritage management principles in Schedule 7B of the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations) and meets the requirements for management plans for Commonwealth Heritage places in Schedule 7A of the EPBC Regulations. The Plan follows a sequence from description to analysis of operational requirements to implementation:

- History
- Location
- Cultural Significance
- Condition
- Operational requirements
- Policies and implementation strategies
- Implementation plan

Consultation

The Authority published notice of the draft Plan in the Australian Government Gazette, in Australian newspaper and on the Authority's public website in February 2008. Additionally, the draft Plan was sent for comment in February 2008 to the Authority's Local Marine Advisory Committees, the Lessees of property on Lady Elliot Island, Traditional Owners of the region, lighthouse historical societies, the Queensland Department of Environment and Resource Management and the Department of Sustainability, Environment, Water, Population and Communities. The outcome of the consultation was the receipt of five submissions, which were all generally supportive of the draft Plan and suggestions made by submitters were incorporated into the Plan where possible.

In accordance with paragraph 341S (6) (a) of the EPBC Act, the Authority asked the Minister for Sustainability, Environment, Water, Population and Communities (the Minister) for advice on the proposed Plan. The Authority also liaised directly with the Australian Heritage Council (AHC) about changes that were required to the draft Plan to meet the requirements of the EPBC Act. The Authority revised the Plan in response to the advice of the Minister's delegate and the AHC. On 28 September 2011, the Minister's delegate advised the Authority that the revised draft Plan complied with the requirements of the EPBC Act and the Commonwealth Heritage management principles.

Consistent with the requirements of paragraph 341S (6) (b) the EPBC Act, on 30 November 2011 the Authority published notices of the draft Plan in the Australian newspaper and on the Authority's public website. The notices:

- Included a statement that the Authority had prepared a draft Heritage Management Plan;
- Stated that copies of the draft Plan could be obtained from the Authority's website or by telephoning the Authority;
- Invited comments on the draft Plan from members of the public and indigenous people with rights and interests in the place;
- Specified the address to which comments could be sent; and
- Specified that comments could be sent until 5:00 pm on 20 December 2011.

No comments were received in response to the notices that were published.

The Plan was approved by the Chairperson of the Authority on 9 March 2012 pursuant to powers delegated to the Chairperson by the Authority.

The Plan is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Plan will commence on the day after it is registered on the Federal Register of Legislative Instruments.

Statement of Compatibility with Human Rights

(Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*)

The Plan is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Plan does not engage any of the applicable rights or freedoms.

The Plan is compatible with human rights as it does not raise any human rights issues.