

technologies were available at the time, advancement of the economy was secondary to the goal of severe punishment. In the Convict Barracks, thousands faced near starvation, arbitrary or severe punishment, violence, death and suicide. The New Gaol illustrates one of the most extreme forms of psychological punishment where convicts were lowered through a trapdoor to the underground solitary 'dumb' cells to remain in darkness and silence day and night, as if buried alive. Convicts received their sentences in the Police Office, which functioned as a courthouse. The Civil Hospital was a place of severe overcrowding and also where the 1834 uprising began. Hundreds of convicts died at the KAVHA site and many of their graves survive at the cemetery, including those who took part in the 1834 uprising and the mass burial ground for those executed after the 1846 mutiny.

The KAVHA site provides a significant record of how transportation was used to rehabilitate criminals through Maconochie's reformatory 'mark system.' Under this system of rewards or 'marks,' convicts became responsible for the length of their sentence and could progress through the classes from separate imprisonment to 'social treatment' where small groups of convicts worked together to teach social responsibility and mutual dependence. Marks were earned or deducted based on behaviour, and harsh punishments were abolished with loss of marks becoming the main form of punishment. Each convict was given a plot of soil to encourage cultivation and a sense of property rights. A school was set up with educational resources, and music therapy taught collaboration and discipline. During Maconochie's term of office, convicts constructed two churches, several officers' houses on Quality Row, and the Double Boat Shed. The Protestant Chapel housed the convict library. The Catholic Chapel did not survive although the Commissariat Store (converted to a church in 1874) is fitted out with many features of the two churches. The cemetery is strongly associated with Maconochie who instituted a policy to allow all convicts (except rebels) to be given headstones to commemorate their death. Several elaborate convict graves reflect Maconochie's reforms, such as the graves of convicts killed in violent knife clashes, illustrating the permitted use of knives at meal times. The result of Maconochie's penal experiment was success in the form of a productive and orderly convict population with a low re-offending rate.

Thematic elements of criterion (vi) illustrated at the KAVHA site include key elements of penology development in the modern era, such as the 'separate system'. Global debates and practices of penology (influenced by Maconochie's ideals) were exemplified on Norfolk Island where Maconochie's radical system generated intense opposition in Britain and Australia, resulting in his dismissal after only four years. A British Deputy Commissioner argued that Norfolk Island 'bore no more resemblance to a penal settlement than a playhouse to a church', to which Maconochie claimed that he 'found the island a turbulent, brutal hell, and left it a peaceful, well-ordered community.' By the 1850s most elements of the 'mark system' were implemented in Fremantle Prison in Australia, and in England. Maconochie's ideas are also reflected in the American Prison Association's *Declaration and Reformation Principles* (1870) and Britain's introduction of the indeterminate sentence (1850s). It was not until well into the twentieth century that his idea of prison as a mental hospital would win full acceptance.

The growth of scientific penology following the Enlightenment Age led to the establishment of the 'separate system' at various prisons in America and Europe in the early 1830s, and at Norfolk Island around 1847. This system of solitary confinement segregated prisoners from each other so they could not learn new criminal ways. It aimed to force prisoners to reflect on their past and think about ways to improve it. The New Gaol at Kingston provides physical evidence of this system.



4.3 National Heritage Values

The KAVHA site was included on the National Heritage List on 1 August 2007 (Place ID 105962). The national values of the KAVHA site predominantly relate to its significance as a convict settlement spanning the period 1788 to 1855. Other values are also recognised in the listing. The KAVHA site was deemed to satisfy National Heritage criteria (a), (b), (c), (d), (e), (g) and (h), which are cited below.

- (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*
- (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*
- (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*
- (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;*
- (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*
- (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*
- (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*

The official National Heritage values of the KAVHA site are presented below.



4.3.1 Criterion A—Events, Processes

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.

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.

4.3.2 Criterion B—Rarity

Kingston and Arthur's Vale Historic Area (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.

4.3.3 Criterion C—Research

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.

4.3.4 Criterion D—Principal Characteristics of a Class of Places

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.

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 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.

4.3.5 Criterion E—Aesthetic Characteristics

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

4.3.6 Criterion G—Social Value

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.

4.3.7 Criterion H—Significant People

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.



4.4 Commonwealth Heritage Values

Kingston and Arthur's Vale Historic Area Commonwealth Tenure Area is comprised of the land area of the KAVHA site, excluding freehold tenure areas. This area was included on the Commonwealth Heritage List (CHL) on 22 July 2004 (Place ID 105606).

While the CHL further reinforces the values laid out on the National and World Heritage Lists, there are some notable differences. This section highlights where the CHL differs from the NHL, including any additional values. The official Commonwealth Heritage values are provided in full in Appendix 11.5.3.

4.4.1 Criterion A—Processes

KAVHA is valued for its four distinct settlement periods: the pre-European Polynesian occupation; and three periods of later settlement including the first and second settlements of the convict era (1788–1814, 1825–1855) and the Pitcairn period (1856–present). The large group of convict era buildings, archaeological sub-surface remains, and landform elements contribute to an outstanding cultural landscape of the development of global convict transportation.

The fabric and artefacts of KAVHA are closely associated with the wreck of the *Sirius* in 1790, a disastrous event in the early history of the New South Wales colony. The visible remains of agricultural activity during the initial settlement of Norfolk Island arguably saved the Sydney Cove settlement from failure.

Although partly ruined, the places of secondary punishment of nineteenth-century convicts have not been further substantially altered by subsequent development. Evidence of the severe secondary punishment is extant at Norfolk Island, both at KAVHA and Longridge. KAVHA provides a record of the role of the military, penal systems and changes in penal philosophy in the British Empire from 1788–1855, and illustrates the continuity of administrative history.

KAVHA is significant for its association with the 1856 arrival of the Pitcairn Islanders who were descendants of the HMS (sic) *Bounty* mutineers and Polynesians. The subsequent development of the Norfolk Island community is also of value.

The rich settlement history of KAVHA contains an array of buildings and other elements of outstanding individual cultural significance, including:

- Government House—which is one of the earliest and most intact remaining buildings of its type in Australia;
- the Old Military Barracks—which together with the Commissariat Store and New Military Barracks forms the most substantial military barracks complex in Australia dating from the 1830s;
- the Commissariat Store—which is the finest remaining colonial military commissariat store in Australia;
- the New Military Barracks—which is one of the finest military barracks buildings built in nineteenth-century Australia;
- nine houses—which were quarters for military and civil officers;
- the perimeter walls and archaeological remains of the New Prison (Pentagon Prison);
- ruins of the hospital—which was built on First Settlement remains;

- the landing pier and sea wall—which are two of the earliest remaining large-scale engineering works in Australia;
- the Beach Store;
- the Settlement Guard House—which is on the foundations of a First Settlement building;
- the Crankmill—which is the only known human powered crankmill in Australia before 1850;
- the Royal Engineer’s Office and Stables;
- the Double Boat Shed;
- the Police Office—which is now a boatshed;
- the flaghouse;
- the Constable’s Quarters;
- the blacksmith’s shop;
- the salt house;
- the windmill base;
- remnant serpentine landscape—which is an outstanding example of colonial period attitudes to Australian landscape design;
- the cemetery—including its outstanding collection of headstones and evocative and picturesque setting in the historical landscape; and
- other stone walls, wells, drains, building platforms, bridges, culverts, roads, quarry sites, privies and archaeological sites of former buildings, including the Bloody Bridge.

KAVHA is also valued for its natural heritage including its geology, particularly the petrified forest and calcarenite stone, Kingston Swamp, and for its biology, including the marine areas.



4.4.2 Criterion B—Rarity

KAVHA is the only known pre-European Polynesian occupation site in Australia. Furthermore, it demonstrates a rare occupation sequence of Polynesian and European settlement in the West Pacific. KAVHA is a rare site of archaeological evidence of the earliest European settlement in Australia, and is significant in that it was of similar size to the other initial settlement of Sydney Cove for a decade. This significance is enhanced by the lack of substantial subsequent development. KAVHA contains the archaeological remains of two of Australia's three oldest government houses, built in 1788.

Rare areas of natural heritage include the Cemetery Bay dune area with its plant and remnant lowland forest unique to the Island. This area is also associated with the fossiliferous preservation of the Island's past biota and small remnant land mollusc population.

4.4.3 Criterion C—Research

Archaeological research potential is enhanced by the lack of substantial development, allowing opportunities to contribute to a wider understanding of the history of each of the Island's four distinct settlement periods. Many buildings and archaeological sites at KAVHA are significant for their research potential to contribute to a wider understanding of the history and development of industrial processes, technology, architecture and engineering on Norfolk Island.

KAVHA is significant as a microcosm of society, providing an unparalleled resource for integrated research with its rich array of architectural and archaeological elements, landscape, archives, artefacts, Pitcairn language, ongoing traditions and anthropological research potential. KAVHA is valued for its potential to demonstrate ongoing conservation and restoration techniques.

Previous life forms including an extinct mollusc also provide significant research potential.

4.4.4 Criterion D—Characteristic Values

KAVHA is a monument to the convict origins of European settlement in Australia. The large group of convict era buildings (some modified during the Pitcairn period), ruins and subsurface archaeological remains, and landform and cultural landscape elements are an outstanding testament of the development of global convict transportation.

The landscape shows the way and pattern in which the land was cleared, used and developed by the inhabitants since European settlement, and demonstrates the impact of this on a natural environment hitherto occupied by Polynesian peoples.

In addition to being an outstanding example of a place of secondary punishment, KAVHA's built elements illustrate the Georgian streetscape and town plan. This is evidenced in the military officers' residences of Quality Row which form an intact Georgian administration centre and the most extensive street of surviving (although partly reconstructed) pre-1850 penal settlement buildings in Australia. The fabric of the Second Settlement clearly illustrates the method of construction, building techniques and way of life.

Since 1856 the Norfolk Island community has used KAVHA as the administrative centre for social, religious and political development. KAVHA retains rare evidence of this Third Settlement period through elements and ongoing uses which illustrate these aspects.

4.4.5 Criterion E—Aesthetic Characteristics

KAVHA is valued for its picturesque setting, historic associations, part ruinous configuration and subsequently undeveloped nature, illustrating the contrast between the horror of the past and charm of the present. These elements contribute to the aesthetic drama of KAVHA and enable visitors to appreciate aspects of the history of Britain, Australia and the South Pacific with rare thematic clarity.

4.4.6 Criterion G—Social Value

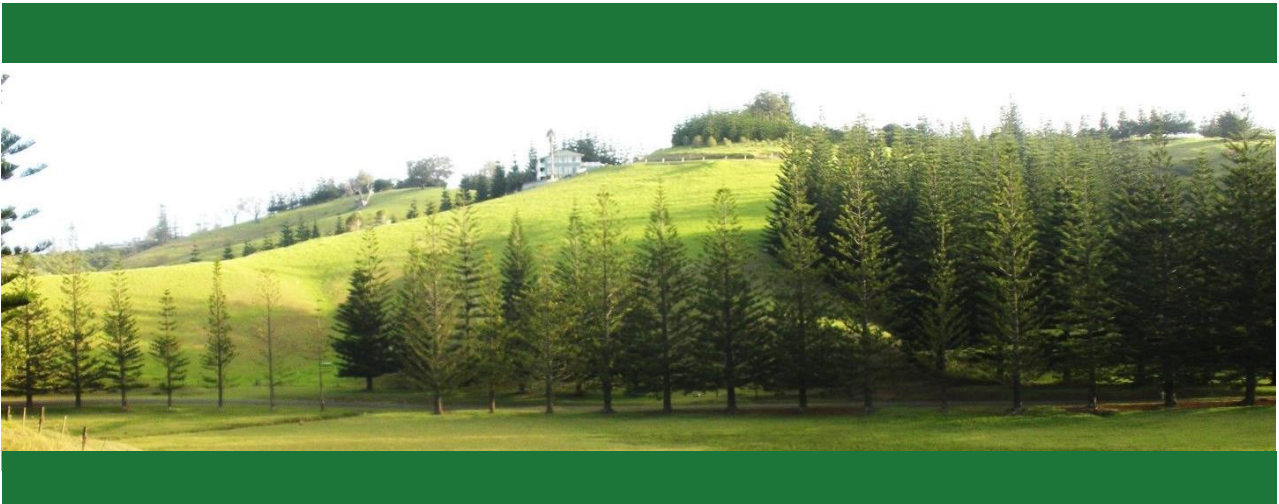
KAVHA holds significant symbolic, ceremonial, religious, lifestyle and cultural associations to the residents of Norfolk Island who value the place for its continuous and active use as their place of residence, work and recreation since 1856. Individual elements of social significance identified by the Norfolk Island community include:

- the landing pier;
- foreshores;
- Prisoners' and Military Barracks;
- the commons;
- the sports oval;
- World War II sites—including Point Hunter;
- the Commissariat Store (now All Saints Church);
- the cemetery;
- Government House;
- the mix of land uses within the place (museums, administrative, the official residence, Parliament, lighterage, residence, industrial/commercial and Pitcairner);
- Bloody Bridge;
- sand dunes;
- the swamp; and
- roads.

KAVHA is valued by visitors for its rich history and genealogical connections.

4.4.7 Criterion H—Significant People

KAVHA is significant for its association with Australia's founding and other early personalities including King, Hunter, Foveaux, Wentworth, Anderson, Maconochie, Price and Cash.



4.5 Norfolk Island Heritage Act (2002) Heritage Register

In 2003, Kingston and Arthur's Vale was included on the Norfolk Island Heritage Register under the *Norfolk Island Heritage Act 2002*. Listing on the Register indicates that a place has special significance for Norfolk Island. In the case of the KAVHA site, this significance comprises:

- *historical* significance for its evidence of the four settlement periods—reflected in the buildings, ruins, archaeology, landscape, the HMS *Sirius* wreck, and for its archaeological research potential in relation to each settlement period;
- *aesthetic* significance as a picturesque and romantic cultural landscape set against a dramatic land and seascape;
- *social* significance to the Norfolk Island community for its continuous use by Pitcairners and their descendants, and its contribution to the formation of the Norfolk Island community, giving it symbolic, ceremonial, religious, lifestyle and cultural importance;
- *social* significance to the Australian community as a landmark in Australia's historical development; and
- *natural* significance for its diverse land and water forms, its biodiversity and wetland values, and rare species.

4.5.1 Statement of Heritage Significance for the KAVHA site under the Norfolk Island Heritage Act 2002:

Kingston and Arthur's Vale Heritage Area (KAVHA) is significant for its association with four distinct settlement periods in one place: the pre-European Polynesian occupation; the First and Second Settlements during the convict era (1788-1814, 1825-55); and the Pitcairn period (1856 – present), referred to as the Third Settlement.

KAVHA comprises a large group of buildings from the convict era; some modified during the Pitcairn period. The substantial ruins and standing structures, archaeological sub-surface remains, landform and cultural landscape elements are significant as an outstanding example of the development of global convict transportation.

*KAVHA is significant for its close association with the wreck of the *Sirius* in 1790.*

It is rare for being the site of one of the earliest European settlement of Australia and the Southwest Pacific (1788), containing areas and individual elements of First Settlement buildings and activities.

KAVHA is the primary site of the Second Settlement period and contains the landform, layout, extensive buildings, standing structures, archaeological remains and remnant landscape features of the period. It is an outstanding rare example of a place of secondary punishment for 19th century British convicts.

Since 1856, KAVHA has been the administrative centre for the social, religious and political development of an Australian island community. It retains rare evidence of this Third Settlement period and contains elements, groups of elements and continuing uses that illustrate aspects of this significance.

KAVHA is the primary site of the Second Settlement period and contains the landform, layout, extensive buildings, standing structures, archaeological remains and remnant landscape features of the period.

It is an outstanding rare example of a place of secondary punishment for 19th century British convicts.

KAVHA is important for its aesthetic qualities, which are valued by the Norfolk Island community and visitors. The combination of cultural expression, natural forces and their patterns enable a perception and interpretation of the place as a picturesque and romantic landscape.

The drama of its landform, sea, and panoramic views creates a picturesque setting enhanced by visual links integral to the functioning of the First and Second penal settlements.

Whereas, the subsequently undeveloped character and part ruinous configuration contribute to the romantic landscape, as does the strong streetscape quality of the built elements in Quality Row, Norfolk is first and foremost a site of continuous and active use as a place of worship, residence, work and of recreation since the arrival at the Kingston Pier in 1856 of the Pitcairn Islanders, from whom one third of the Island's population is descended.

KAVHA holds significant symbolic, ceremonial, religious, lifestyle and cultural association in a unique built and natural environment.

KAVHA is significant for its association with the settlement of the Pitcairners and the evolution and development of the Norfolk Island community.

It is highly valued by the Australian community being one of a relatively small number of sites identified by a wide variety of Australians as landmarks of Australian's historical development.

KAVHA is significant for its archaeological research potential to contribute to a wider understanding of the history of pre-European Polynesian occupation of Norfolk Island.

It has archaeological research potential to contribute to a wider understanding of the history of the First and Second Settlements of Norfolk Island and Australia.

KAVHA is also significant for its archaeological research potential to contribute to the history of the Third Settlement period.

It is valued by the Norfolk Island, Australian, and international communities as a place of educational potential.

KAVHA is significant for its topography, the littoral, the watercourses and its connection to the lagoon and marine environment.

KAVHA contains wetland habitat and remnant vegetation. The wetlands are particularly valuable as a resting place for migratory birds and in supporting a population of rare crustaceans found only on Norfolk Island.²



² 2008 CMP Section 4.4.

4.6 Summary Statement of Significance

The following summary Statement of Significance has been prepared for the KAVHA site. It endeavours to reflect the historic, aesthetic, social/spiritual and scientific values in the preceding assessments and statements of significance, and to provide a basis for management.

The KAVHA site is a historic cultural landscape that, in the course and pattern of Australian and world history, presents an extraordinary record of convict settlement, agricultural production and labour spanning the era of penal transportation to Australia from 1788–1855. Archaeological evidence shows the KAVHA site to be rare as the site of the earliest European settlement from Australia to the Southwest Pacific (1788). It contains areas and individual elements that are confirmed or well documented sites of First (Colonial) Settlement buildings and activities (1788–1814). The KAVHA site is important for its role in the evolution of the colony of New South Wales. Arriving in March 1788, six weeks after the First Fleet landed in Sydney, the building and archaeological remains and landforms of the First (Colonial) Settlement (1788–1814) illustrate British convict settlement, and living and working conditions at the beginning of European occupation of Australia. The KAVHA site contains areas and individual elements that are confirmed or well documented sites of First (Colonial) Settlement buildings and activities (1788–1814). The design and layout, the outstanding collection of fine Georgian buildings, the extensive archaeological remains, engineering works and landscaping of the Second (Penal) Settlement (1825–1855) clearly show the planning and operation of a nineteenth-century penal settlement with a very high degree of integrity. The KAVHA site has significant associations with the other convict period settlements and activities located elsewhere on Norfolk Island, as well as to the ten other sites that are part of the Australian Convict Sites inscribed on the World Heritage List.

The KAVHA site is uncommon as a place where a distinctive Polynesian/European community has lived and practised their cultural traditions for over 150 years. Since 1856 the Pitcairners and their descendants have lived and maintained strong cultural traditions and attachments through language, religion, ceremony, stories, work and song. Parts of the place have been, or were previously, occupied by particular families for many for generations; for them Kingston is home or the home of their forebears. The contemporary Norfolk Island community, comprising both Pitcairners and subsequent generations of settlers from elsewhere, has continually and actively used the site as a place of residence, work, worship, burial and recreation. Local people express a deep and continuing attachment to the site which contributes to community identity, giving it symbolic, ceremonial, religious and broader cultural importance. The Norfolk Island community also includes those with continuing family and historical connections who do not live on Norfolk Island. The site is of potential social significance to the broader Australian community as a landmark in Australia's convict and settler history.

With a dramatic and contrasting character, the coastline of the KAVHA site is characterised by the serenity of Emily Bay and its delicate fringing reef, combined with the vast expanse of the Pacific Ocean and the wreck of the flagship of the First Fleet, HMS *Sirius*, parts of which still remain submerged in the waters off Kingston. This coastal setting is framed by green hills and a verdant vale which was the site of some of Australia's earliest and most successful agricultural production. It retains an imposing collection of convict-built buildings, ruins, archaeological remains, and elements which physically demonstrate colonial regimes of penology as they were transported and transposed across the globe to the Australian colonies. The governance arrangements and settlement patterns are evident in the existing street layout and spatial arrangement of the buildings. The spatial relationships between the Government House, the streetscape of pre-1850 cottages and fortified barracks complexes, combined with the convict precinct and Gaol, articulate and reinforce the hierarchy and regime of power and surveillance. The role of punishment through harsh labour is evident in features such as archaeological remains, the landing pier, Bloody Bridge and the sea wall, as well as buildings such as the New Gaol, the Prisoners' Barracks and Crankmill within the convict establishment, and civil engineering structures throughout the area. The development of penal philosophies and the possibility of reform is evident in the cemetery, Protestant and Catholic Chapels and the clergyman's quarters. The use of calcarene, lime and timber in the construction of buildings and other settlement infrastructure demonstrates the adaption of techniques and the evolution of

technology in response to the local environment and its natural materials. These features remain as a compelling reminder of the gruelling physical labour that convicts endured.

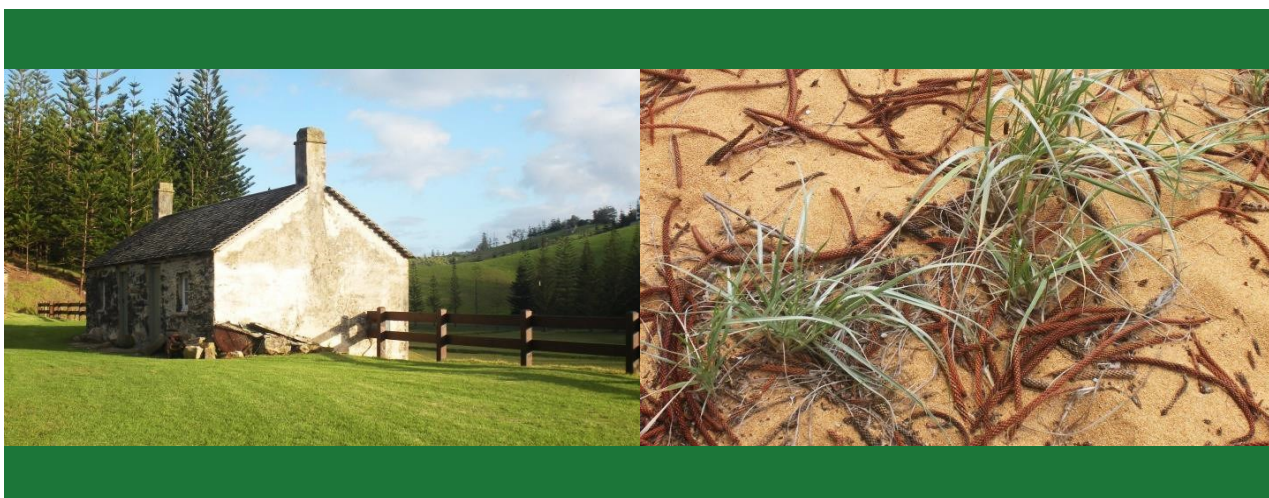
The KAVHA site is significant for its association with Lieutenant Philip Gidley King RN who established the colonial settlement on the Island; this contributed to the survival of the New South Wales colony. During the Second (Penal) Settlement 1825–1855 period, Alexander Maconochie formulated and applied the principles of modern penology, transforming the KAVHA site from ‘hell on earth’ to a ‘productive and orderly convict population.’ The KAVHA site has an enduring association with the Pitcairn Islanders who landed here in 1856, occupying, adapting and reworking the convict-era buildings, and building a new community that remains today a foundational element of Norfolk Island culture.

The distinctive settlement periods evidenced at the KAVHA site through the maritime and terrestrial archaeology resources, as well as the historical collections of maps, imagery, written records and the extensive collections of objects, have potential to yield information on pre-European Polynesian culture, convict era living and working conditions, and changes in penal practice and philosophy during the convict period and the Pitcairn period from 1856. The cemetery is in continuing use and has a significant and unique collection of headstones and other features, dating from the earliest period of European settlement through to today. The collection includes headstones and graves with outstanding family history research potential.

The KAVHA site has outstanding aesthetic qualities and characteristics. The aesthetic values are evidenced through the site’s evocative and picturesque setting. Stunning views are afforded from a range of vantage points—out to sea fringed by rocky coastal cliffs and windswept vegetation, across, within and over the site. The contrasting textures and deep tones of the natural vegetation (such as the iconic Norfolk Island pine) in organic and formal planting compositions, combined with the materiality and form of the buildings, create a compelling visual drama that stimulates emotive and sensory responses which are simultaneously poignant and beautiful. The beauty of the KAVHA site is strongly evocative for Norfolk Islanders who appreciate its history, and offers a picturesque landscape setting that is much appreciated by visitors.

Elements of the natural landscape within the KAVHA site and its immediate setting, including the littoral environment, geological and fossilised formations, topography, the terrestrial watercourses, lagoon and the Watermill Dam are of significance. The KAVHA site contains important wetland habitat and remnant vegetation. The wetlands provide a resting place for migratory birds and also support a population of crustaceans found only on Norfolk Island.

The remains of the Polynesian Settlement at Emily Bay are physical evidence of the westernmost known extent of East Polynesian migration. The style of the artefacts and material originating in the Kermadecs are direct evidence of the extraordinary oceanic voyages and navigational skills of the Polynesians, who sailed many thousands of kilometres. The possible marae, house, earth ovens, midden and artefacts evoke the traditional Polynesian lifestyle of the period 1200AD–1600AD. The possible marae resonates with Polynesians, Maori and those of other Polynesian descent in the Norfolk Island community.



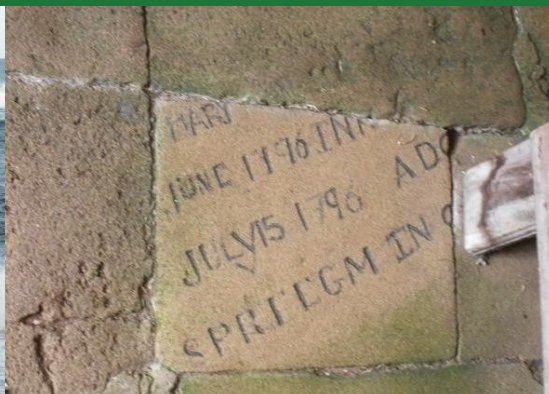
4.7 Attributes of Heritage Value

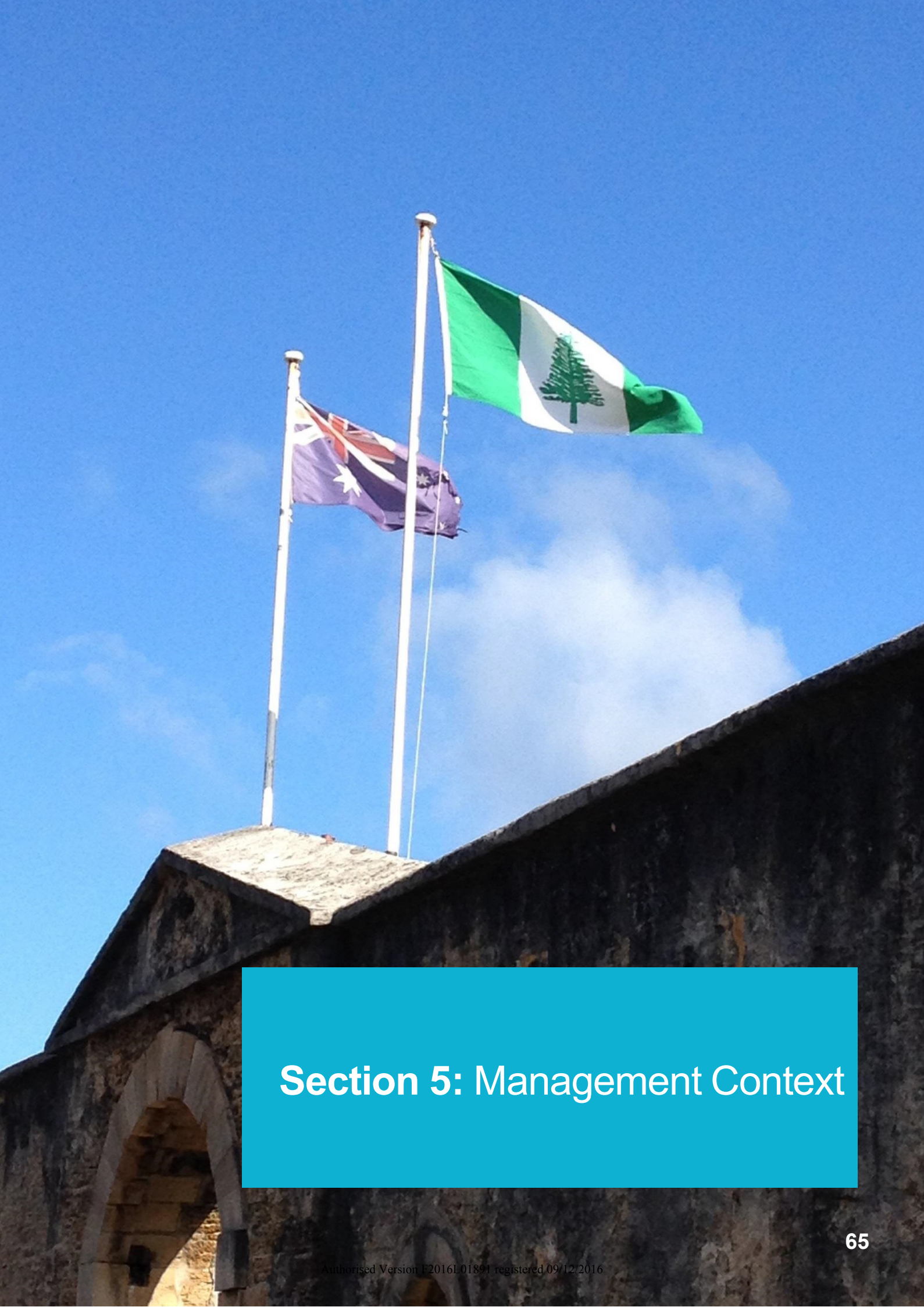
The summary statement above sets out the heritage values of the KAVHA site. These values are embodied within the fabric of the place itself, its uses, associations and meanings, as well as its visual and aesthetic qualities, relationships with other places and the reaction that the site (or its individual elements) evokes in people who regard it as important. The table below seeks to set down some of the specific attributes that contribute to the overall heritage value of the KAVHA site.

Attribute	Comment
Topography	The underlying topography of Watermill Valley, the hillslopes surrounding Kingston and a dramatic sweep of the coastline provide the physical and visual palette for the KAVHA site.
Underlying geology	There are fossilised geological formations beneath the KAVHA site and the remains of the calcarenite ridge from which stone was quarried.
Visual setting of the KAVHA site	The evocative and picturesque setting affords dramatic views, particularly the vista out to sea towards Phillip Island, as well as the backdrop provided by natural vegetation such as Norfolk Island pines.
Bucolic landscape	The agricultural/pastoral landscape, particularly within Arthur's Vale (Watermill Valley) is arguably the only eighteenth-century farming land still discernible in Australia.
Terrestrial watercourses	The watercourses define the physical structure of the KAVHA site, reflect natural water flow patterns (to some extent) and support life.
Remnant natural vegetation	Despite more than two centuries of European settlement, areas and specimens of native flora remain.
Lagoon and littoral zone	The interface between the structured cultural landscape, the littoral zone, the reef and the ocean is a defining feature of the KAVHA site, creating a challenge for shipping, as well as important marine habitat.
Emily and Cemetery Bays	Emily and Cemetery Bays, and the site as a whole, provide an important recreational venue for local people, a distinctive edge to the site and important marine habitat.
Norfolk Island pines—naturally occurring species and formal plantings	Visually the Norfolk Island pines, even if deliberately planted, are one of the defining features of the KAVHA site. However, the extended plantations of Norfolk Island pines on some hillslopes are not an attribute of significance.
Flax plants	Flax plants, even if deliberately planted, evoke one of the reasons for the First Settlement.
Fauna—migratory birds, land snails and crustaceans	The KAVHA site provides important habitat for migratory birds and endemic fauna including land snails and crustaceans.
Polynesian settlement—physical evidence and association	Norfolk Island is the only place in Australia with pre-European Polynesian settlement. Both surviving physical evidence and the association of the place with Polynesian culture are important.
Physical evidence of historical evolution	The KAVHA site is an evolved cultural landscape in which the combination of landscape and built elements provides a physical chronicle of more than two centuries of colonial and post-colonial settlement. Some later elements contribute to the totality of the site's history, while others—through location and/or design—may detract from heritage values.
First (Colonial) Settlement 1788–1814 structures	Surviving structures from the First (Colonial) Settlement 1788–1814 offer outstanding and rare evidence of eighteenth-century colonisation and penal practice.
First (Colonial) Settlement 1788–1814 ruins	Ruins associated with the First (Colonial) Settlement 1788–1814 provide important physical evidence, and are also highly evocative of the passage of time and the evolution of history

Attribute	Comment
Second (Penal) Settlement 1825–1855 buildings	Buildings from the Second (Penal) Settlement 1825–1855 provide one of the finest collections of surviving colonial Georgian structures in the world. A number of these structures have considerable historic and aesthetic value.
The Cenotaph	The Cenotaph is an important marker of Norfolk Island's twentieth-century history and the role played by Norfolk Islanders in major wars. It has considerable social value to the contemporary Norfolk Island community.
First (Colonial) Settlement 1788–1814 , Second (Penal) Settlement 1825–1855 and Pitcairner infrastructure	The KAVHA site is defined by roads, a canal, retaining walls and drains which date from the First (Colonial) Settlement 1788–1814 and Second (Penal) Settlement 1825–1855. These elements are integral to the fabric and structure of the place.
Coastal retaining wall	The coastal retaining wall defines Kingston and provides a physical barrier that protects important site elements such as the Second Settlement Prison.
Historical association with both First 1788–1814 and Second 1825–1855 penal periods	An important aspect of the KAVHA site is what is known/believed about its convict history in both First (Colonial) Settlement 1788–1814 and Second (Penal) Settlement 1825–1855 periods, including specific stories and beliefs about individual structures or places.
Pitcairner buildings, structures and created landscape 1856 to the present	The form of the landscape and structures built or adapted since 1856 are also an important contributor to the totality of the KAVHA site history.
Authentic historic fabric from all settlement phases	Original fabric related to the seminal phases of construction is a fundamental aspect of the authenticity of the KAVHA site. Original fabric is of far greater heritage value than reconstructed fabric.
Intact archaeological deposits	The research potential of much of the remaining sub-surface archaeology at the KAVHA site vests in intact archaeological deposits which remain undisturbed and unexcavated.
Movable heritage and collections related to all phases of settlement	The physical history of the KAVHA site is also represented through movable heritage including artefacts, building components and other objects, irrespective of ownership or current location.
Historical records associated with all phases of settlement	A vast suite of historical records, including primary and secondary documents, photographs, maps and other archival material, allows an understanding of the KAVHA site and provides an ongoing research resource.
HMAV <i>Bounty</i> artefacts	Artefacts associated with HMAV <i>Bounty</i> —whether on or off site and irrespective of ownership—are integral to the Pitcairner story and therefore the KAVHA site.
HMS <i>Sirius</i> artefacts	Artefacts associated with HMS <i>Sirius</i> connect directly with the First (Colonial) Settlement 1788–1814 period, but more broadly with the story of the First Fleet and the colonisation of Australia.
Association with the wreck of HMS <i>Sirius</i>	The wreck site of HMS <i>Sirius</i> contains remnant archaeological evidence and has a strong and continuing association with the KAVHA site.
Government and institutional functions within the Military Barracks	For virtually all of the colonial and post-colonial period, the Military Barracks precinct has been used for public functions.
All Saints Church	All Saints Church, located within the Commissariat Building, is a place of fine aesthetic quality with particular social value to the Anglican community on Norfolk Island.
Cemetery—layout and headstones	The cemetery provides a comprehensive social record of Norfolk Island history; it is a place of outstanding social and personal meaning to Norfolk Islanders and descendants of those buried there in the colonial periods, a place of historical importance to both Norfolk Islanders and visitors, a highly scenic landmark and an important research resource.
Government House—particularly the	Government House offers a physical manifestation of the unusual colonial and post-colonial governance arrangements on Norfolk Island, as well as a focal

Attribute	Comment
intact form, physical and visual presence, and garden setting	point of visual interest within the cultural landscape of the KAVHA site.
Gardens of Quality Row Houses	The gardens surrounding the houses along Quality Row make an important contribution to the setting of both individual buildings and the streetscape itself, as well as providing opportunities for interpretation and education.
Association with Anniversary (Bounty) Day	Anniversary (Bounty) Day is an event of fundamental importance to the Pitcairner community which is strongly linked to Kingston—the focus for Anniversary (Bounty) Day celebrations and activities.
Association with Foundation Day	Foundation Day is a major event for the wider Norfolk Island community which is strongly linked to activities that traditionally occur at Kingston.
Connections with other Australian convict sites, both those within the Australian Convict Sites World Heritage Property and others	The KAVHA site is not only important as part of the World Heritage listed Australian Convict Sites, but also as an outstanding element at the national level within the total set of places associated with convict transportation and the establishment of the Australian nation through a process of forced convict migration.
Connections with other historic places on Norfolk Island	The KAVHA site is part of a wider set of convict and Pitcairner historic sites on Norfolk Island.
Continuing association of private land holdings with Pitcairner descendent landholders	Parts of the KAVHA site have been occupied by particular Pitcairner families for many generations, and have strong and enduring links with these families and their Pitcairner heritage.
Connection with contemporary cultural practices	The KAVHA site is a focus for continuing cultural practices that are distinctive, particular and important to the Norfolk Island community, including language, religion, ceremony, stories, work and song.
Amenity value for Norfolk Islanders	The KAVHA site has an important and continuing value to the Norfolk Island community and to visitors as a place for recreation, relaxation, enjoyment and family/social events.
Family associations for visitors	The KAVHA site has particular associations and meanings for visitors who have historic connections with convict or early settlers.





Section 5: Management Context

5.1 Introduction

The *Norfolk Island Legislation Amendment Act 2015* (Cwlth) officially commenced on 18 June 2015. It provides for the Australian Government to assume responsibility for funding and delivering national and state level services to Norfolk Island. The Norfolk Island Legislative Assembly and Executive Council ceased to operate from this date and will transition to an elected regional council. The Administration of Norfolk Island (ANI) will remain as an entity until it transitions into the Norfolk Island Regional Council from 1 July 2016.

There will be an ongoing need to review and update legislation and delegations affecting KAVHA over the coming years as the Norfolk Island governance and financial arrangements become more settled, including in response to the outcomes of ongoing community and expert consultation. Regardless, there will not be substantive changes to the way that residents relate to the KAVHA site in undertaking their daily and cultural activities. The passage of the *Norfolk Island Legislation Amendment Act 2015* (Cwlth) did not have any substantive impact on composition of the land tenure within KAVHA.

This section of the report provides a summary overview of the statutory and non-statutory management and planning context that currently applies to the KAVHA site.

5.2 World Heritage Convention

Australia ratified the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (World Heritage Convention)¹ in August 1974.

On 31 July 2010, the Australian Convict Sites property, including the KAVHA site and 10 other sites, was inscribed on the World Heritage List.

The properties which comprise the Australian Convict Sites are:

- Old Government House and Domain (Parramatta, New South Wales);
- Hyde Park Barracks (Sydney, New South Wales);
- Cockatoo Island Convict Site (Sydney, New South Wales);
- Old Great North Road (near Wiseman's Ferry, New South Wales);
- Kingston and Arthur's Vale Historic Area (Norfolk Island);
- Port Arthur Historic Site (Tasman Peninsula, Tasmania);
- Cascades Female Factory (Hobart, Tasmania);
- Darlington Probation Station (Maria Island, Tasmania);
- Coal Mines Historic Site (via Premadeyna, Tasmania);
- Brickendon and Woolmers Estates (near Longford, Tasmania); and
- Fremantle Prison (Western Australia).

Under Article 4 of the World Heritage Convention, Australia has a duty to ensure the identification, protection, conservation, presentation and transmission to future generations of natural and cultural heritage of outstanding universal value. Specifically, as the 'State Party' to the World Heritage Convention, Australia is required to:

¹ The *Convention Concerning the Protection of the World Cultural and Natural Heritage* adopted by the General Conference of UNESCO, 1972.

adopt a general policy that aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs;

undertake 'appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and

refrain from 'any deliberate measures which might damage, directly or indirectly, the cultural and natural heritage' of other Parties to the Convention, and to help other Parties in the identification and protection of their properties.

The World Heritage Convention is supported by Operational Guidelines prepared by the World Heritage Centre at the direction of the World Heritage Committee.² These guidelines facilitate the implementation of the World Heritage Convention and set out procedures for matters such as:

- inscription of properties on the World Heritage List and the List of World Heritage in Danger;
- protection and conservation of World Heritage properties;
- international assistance under the World Heritage Fund; and
- mobilisation of national and international support.

The Operational Guidelines are periodically revised to reflect the decisions of the World Heritage Committee. The most recent revision was in 2013. In accordance with the Operational Guidelines, every six years, States Parties to the Convention are expected to submit to the World Heritage Committee a periodic report on the application of the World Heritage Convention, including the state of conservation of the World Heritage properties in their territories.

In practice, these obligations and the specific technical requirements and processes set out in the Operational Guidelines are addressed through the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (see below) and an Australian Intergovernmental Agreement on World Heritage.³ The EPBC Act provides a range of measures, including prescriptive regulations for the content of management plans. The Intergovernmental Agreement sets out a series of high-level principles and specifies the roles and responsibilities of Commonwealth, State and Territory governments.



² UNESCO Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, 2013 *Operational Guidelines for Implementation of the World Heritage Convention*.

³ Australian Government 2010. Australian World Heritage Intergovernmental Agreement. Department of Environment, Canberra.

5.3 Commonwealth Legislation

5.3.1 Norfolk Island Legislation Amendment Act 2015

The *Norfolk Island Legislation Amendment Act 2015* (Cwlth) will give Norfolk Island residents access to Medicare and social security payments from 1 July 2016, along with access to a range of other programs including cultural programs and funding. Norfolk Island will also enter the Australian taxation system. Further alignment of Australian Government laws, programs and services will be phased in from 1 July 2016, as will an applied law regime based on NSW. From 1 July 2016, responsibilities for customs, quarantine and immigration will also revert to the Australian Government. The legislation provides for the transition of the Norfolk Island Legislative Assembly to a regional council elected by residents. The regional council will be responsible for local issues from July 2016.

An interim Advisory Council was established in June 2015 to represent community views, and provide advice to the Administrator and Australian Government Minister during the transition period.

5.3.2 Environment Protection and Biodiversity Conservation Act 1999

Australia's World Heritage properties are protected under the *Environment Protection and Biodiversity Conservation Act, 1999* (Cwlth) (EPBC Act). The EPBC Act is Australia's national environmental legislation that protects and manages significant international, National and Commonwealth Heritage listed places, ecological communities, flora and fauna.

World Heritage is identified in the EPBC Act as a matter of 'National Environmental Significance' (NES). NES matters include (among other items):

- World Heritage properties;
- National Heritage places;
- wetlands of international importance;
- nationally threatened species and ecological communities;
- Commonwealth marine areas; and
- listed migratory species.

On Norfolk Island the EPBC Act protects not only World and National Heritage values, but also the marine environment, threatened species, ecological communities and migratory species. Commonwealth Heritage Listed Places; that is, heritage places on land owned or controlled by the Australian Government (such as the Kingston and Arthur's Vale Commonwealth Tenure Area, Quality Row) are also managed and protected under the EPBC Act.

Actions that may have a significant impact on the OUV of a World Heritage property, or other NES matters, may require approval from the Australian Government Minister for the Environment. Should a proposed action have the potential for a significant impact on the KAVHA site, a referral to the Minister for the Environment is required⁴. The Minister will determine whether or not a proposed action is deemed to be a 'controlled action'. If the action is determined to be a controlled action, further environmental assessment may be required. There is a range of assessment and documentation requirements that depend on the scale and complexity of the proposed action (see 5.5 below).

⁴ *Significant Impact Guidelines 1.1 Matters of National Environmental Significance*.

5.3.3 Protection of Movable Cultural Heritage Act 1986

The *Protection of Movable Cultural Heritage Act 1986* (Cwlth) protects Australia's movable cultural heritage and provides for the return of foreign cultural property which has been illegally exported from its country of origin and imported into Australia.

5.4 Norfolk Island Legislation

5.4.1 The Planning Act 2002 (NI)

The *Planning Act 2002* (NI) promotes the conservation of Norfolk Island's natural and cultural heritage, and development approval processes. The Act requires that a Norfolk Island Plan is developed to promote the Island's land use and development objectives, and identify environmental management standards. All proposals for use or development must be considered in the context of the Norfolk Island Plan 2002 to determine whether approval is required and whether the proposed use or development is permitted.

Applications for development within the KAVHA site are currently determined by the responsible federal Minister or his or her delegate, based on advice from the Norfolk Island Planning and Environment Board. Development applications must be publicly displayed for comment. The term 'development' includes the 'use of any land or the erection or use of any building or other structure or the carrying out of building, engineering, mining, or other operations in, on, or under the land, or the making of any material change to the use of any premises.' The term includes: construction, alteration, demolition, subdivision, relocation and sign(s) or hoarding(s).⁵



⁵ *Norfolk Island Planning Act 2002* – Section 6.

5.4.2 The Norfolk Island Plan 2002

The Norfolk Island Plan 2002 (the Plan), provides for a strategic planning framework for the preferred future use, development and management of land. It is comprised of two main components: (Part A—Strategic Plan) and (Part B—Zoning, Scheme, Overlay Provisions and General Provisions).

Under Part A—Strategic Plan, the KAVHA site is in the ‘High Rural/Conservation Value Preferred Dominant Land Use’ area, the objectives for which include conservation and preservation of these areas. The objectives allow for a limited range of complementary, low intensity and low impact use or development; and provide land that may provide a buffer for certain incompatible uses.

Under Part B—Zoning Scheme, some of the land within the KAVHA site is zoned Rural (privately owned and Crown leasehold land), while the Crown land is zoned Conservation, Special Use and Open Space.

The area identified as the KAVHA site is included in the Heritage Items Regulatory Map and further described in clause S1.1 of Schedule 1. The ‘KAVHA’ is listed in the Norfolk Island Heritage Register and within the Heritage Overlay established in the Plan. The Heritage Overlay aims to conserve the environmental heritage of Norfolk Island, integrate heritage conservation into planning and development control processes, provide for public involvement in the conservation of environmental heritage, and ensure that use or development does not adversely affect the heritage significance of land subject to the Heritage Overlay. This is managed through planning controls specific to the Heritage Overlay. These controls include the following provisions.

- Most use and development proposals require consent and are subject to additional matters to be considered in assessing a development application.⁶
- For development applications in the vicinity of a heritage item, the responsible Minister (or his or her delegate responsible for planning) is required to take into account the likely effect of the proposal on the heritage significance of the item.⁷

The Plan includes specific objectives and planning controls for the KAVHA site. It encourages use or development consistent with the KAVHA Conservation Management Plan (CMP); and seeks to avoid use or development which is not in keeping with the archaeological, historical, landscape, cultural and built heritage significance of KAVHA.⁸ Where there is an inconsistency between the intent of the zone and the intent of the CMP, the Plan specifies that the CMP will prevail.⁹

5.4.3 The Heritage Act 2002 (NI)

The *Heritage Act 2002* (NI) (the Heritage Act) establishes: the Norfolk Island Heritage Register; criteria for listing items in the Heritage Register; a panel of heritage advisers; procedures for a heritage conservation fund; and requirements for heritage impact statements and conservation management plans. For development applications that are in relation to, or likely to affect a heritage item, the Heritage Act requires the applicant to prepare a heritage impact statement, and requires that the responsible Minister (or his or her delegate responsible for planning) has regard to the heritage impact statement. The responsible Minister (or his or her delegate) may also require an applicant to prepare a conservation management plan in relation to a heritage item. The KAVHA site was included on the Norfolk Island Heritage Register on 17 December 2003.

5.4.4 Norfolk Island Trees Act 1999 (NI)

The *Norfolk Island Trees Act 1999* (NI), and its amendment (2002), requires a permit to be obtained prior to the removal of a protected tree. Protected trees are listed in the *Trees Regulation 1999* and *Trees Amendment Regulations 2004*. The list included in the *Trees Regulation 1999* provides details regarding the tree species and the height above which certain species are protected. Several Norfolk Island pines

⁶Norfolk Island Plan—Clause 74.

⁷Norfolk Island Plan—Clause 75.

⁸Norfolk Island Plan—Clause 77(5).

⁹Norfolk Island Plan—Clause 77(6).

and White Oaks within the KAVHA site are protected by the *Norfolk Island Trees Act*. For example, the Lone Pine at Point Hunter is protected under this statute.

5.4.5 Building Act 2002 (NI) Building Codes & Standards

Building activity within the KAVHA site is managed by the *Building Act 2002* (NI) and the Norfolk Island Building Code. The Norfolk Island *Building Regulations 2004* lists (among other items): details which shall accompany a building application,¹⁰ the Norfolk Island Building Code,¹¹ compulsory inspection stages of building work,¹² and activities for which building approval is not required.¹³ Building applications are required for all building activities.

5.4.6 Public Reserves Act (NI)

Several areas of land within the KAVHA site are designated as public reserves and managed and protected under the *Public Reserves Act 1997* (NI) (Public Reserves Act). The areas are:

- Kingston Common;
- Kingston Recreation;
- Government House Grounds;
- Point Hunter;
- the cemetery; and
- the War Memorial.

The Public Reserves Act specifies that the reserves should be managed to:

- conserve the Island's natural environment and landscape beauty;
- conserve the natural and cultural heritage; and
- preserve the quality and way of life of the people of Norfolk Island.

Day-to-day management of the reserves is vested in the Conservator for Public Reserves. The Conservator works within the Norfolk Island Reserves and Forestry Service. The Sexton (who is appointed by the Norfolk Island administration and directed by the Conservator) is responsible for the day-to-day management of the cemetery.

Individual reserves must have a Plan of Management which describes the natural and cultural values of the reserves and sets out management issues, objectives, strategies and actions.¹⁴ Each of the reserves within the KAVHA site has a Plan of Management. The management objectives cover pest species, recreation, education, interpretation, stock and heritage values. Certain activities are regulated and controlled within all public reserves through permits and approvals. Camping, vehicle usage and parking, commercial activities and sand mining are examples of activities that are regulated.

A CMP has previously been accepted as the guiding document for the management of the reserves within the KAVHA site. Where there was any inconsistency between the CMP and the Plans of Management, the CMP was deemed to prevail. (This HMP will replace the CMP as the guiding document for the management of the reserves within the KAVHA site.)

¹⁰ Norfolk Island *Building Regulations 2004*—Regulation 16.

¹¹ Norfolk Island *Building Regulations 2004*—Schedule 2.

¹² Norfolk Island *Building Regulations 2004*—Schedule 3.

¹³ Norfolk Island *Building Regulations 2004*—Schedule 1.

¹⁴ *Public Reserves Act*—Section 15.

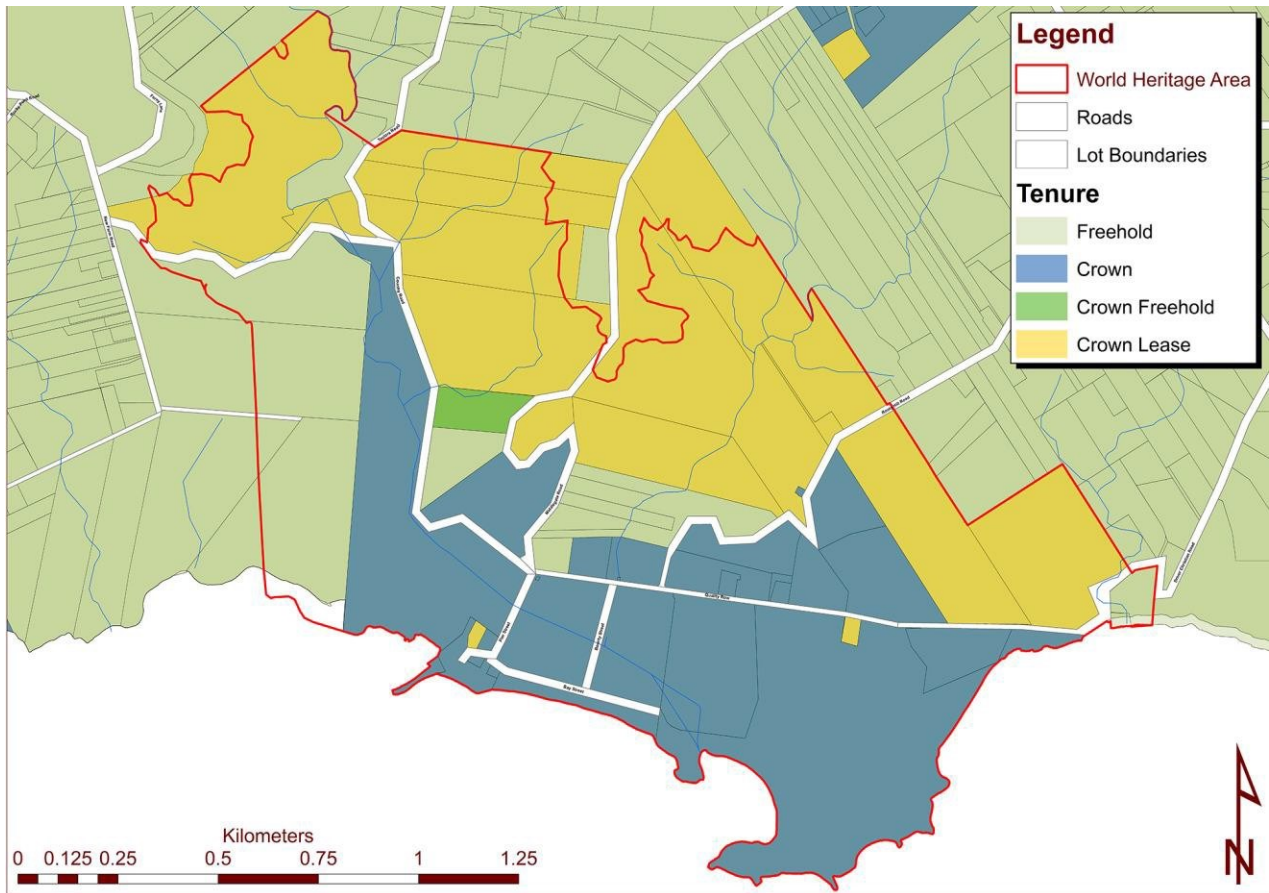
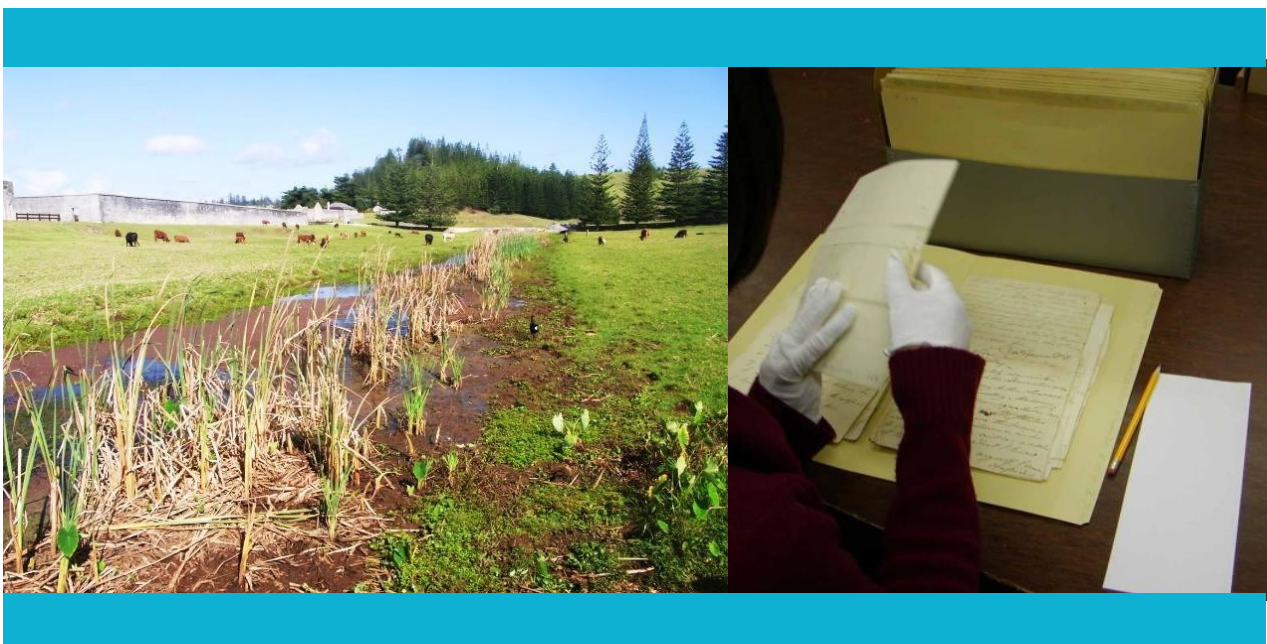


Figure 5.1 Plan showing the location of the five public reserves within the KAVHA site. (Source: Department of Infrastructure and Regional Development)

5.4.7 Protection of Movable Cultural Heritage Act 1987 (NI)

The *Protection of Moveable Cultural Heritage Act 1987* (NI) protects Norfolk Island's heritage of movable cultural objects as well as Australian and foreign protected objects.



5.5 Development Approval Process

Most physical changes that may impact on the KAVHA site (including painting, erecting a structure, roadworks and new utility services) require development approval. However, certain uses, development and activities undertaken in accordance with an approved CMP do not require consent, and the responsible Minister (or his or her delegate responsible for planning) can exempt the need for development approval if satisfied that the proposal would contribute to conservation and interpretation, and not affect the heritage significance of the KAVHA site.¹⁵ Other than minor exempted works, most physical changes also require building approval. In considering applications, the heads of consideration include environmental impacts, land use, social equity, safety and amenity issues.

The EPBC Act also requires that works which might have a significant impact on World or National Heritage values, the environment on Commonwealth land, or on matters of National Environmental Significance, are referred to the Australian Government Minister for the Environment (or delegate) who will determine whether such actions are controlled within the meaning of the EPBC Act. Even if a controlled action is approved, it is still subject to Norfolk Island planning and development control.

Early consultation with the Norfolk Island Planning Office can be useful in determining whether a proposal is allowable and what steps are required to seek approval. Advice can also be provided on the processes and additional consultation required, such as advice from a heritage advisor, or referral to the Australian Department of the Environment.

5.6 Environmental Management

The natural environment within the KAVHA site, which also has significant cultural landscape values, is managed under both Commonwealth and Norfolk Island legislation.

There are a number of significant natural species recorded within the KAVHA site. The wetland and freshwater marsh in the lower reaches of Watermill and Town Creeks particularly contribute to the biodiversity of the KAVHA site.

Key natural environmental issues within the KAVHA site include wetland and drainage channel management, water quality, erosion, dune and cliff stabilisation, habitat rehabilitation, and pest and weed control.



¹⁵ Norfolk Island Plan Clause 74.

5.7 KAVHA Board

The former Kingston and Arthur's Vale Historic Area Management Board (KAVHA Board) was established under a Memorandum of Understanding (MOU) between the Australian Government and the Norfolk Island Government in 1989, which was revised in 1994. The KAVHA Board included representatives from the Government of Norfolk Island and two Australian Government representatives. Over the period between 1989 and 2015, the KAVHA Board focused efforts on site conservation, management and maintenance, and oversaw the financial operations of the KAVHA site, including operating budgets and capital expenditure programs. During this period, funding for the management of the KAVHA site was provided through annual budget allocations contributed by the Australian and Norfolk Island Governments.

5.8 KAVHA Advisory Committee

In 2015 the KAVHA Advisory Committee was established to provide expert and independent advice to the Australian Government on:

- best practice techniques to conserve the existing fabric and heritage objects present on the site;
- actions that will protect and present with authenticity the rich and interwoven natural and cultural landscape of KAVHA;
- strategies to achieve effective governance and good management;
- opportunities to improve the financial sustainability of the site; and
- approaches for facilitating enduring community partnerships.

5.9 Site Management Requirements

The future management arrangements for the KAVHA site should endeavour to streamline arrangements and clarify reporting lines. As a first step, the interim arrangements should consolidate the management of KAVHA within one organisation.

Governance reform should also aim to improve processes for development control, land use and environmental conservation, and provide greater transparency and clarity on the roles and responsibilities of the Australian Government and Norfolk Island administration.

5.10 Australian Convict Sites Strategic Management Framework

Signed by the Australian, New South Wales, Norfolk Island, Tasmanian and Western Australian Governments as part of the process leading to World Heritage nomination, the Australian Convict Sites Strategic Management Framework recognises and complements the tiered statutory planning and management context that applies to the 11 sites that comprise the Australian Convict Sites serial listing. The Framework establishes objectives and arrangements for management, consultation, cooperation, review and administration. The Framework is included as Appendix 11.7.

The eight objectives for strategic management in the Framework have been derived from the *World Heritage Convention* and its *Operational Guidelines*. The objectives include identification, protection, conservation, presentation and transmission of values to current and future generations; management of the sites so as to support and sustain their identity as a serial listing where each of the parts contributes to the whole; to ensure the sites have a function within the life of the community; to strengthen appreciation and respect for World Heritage values through research, education and information programs; to take appropriate and necessary scientific, technical, legal, administrative and financial measures so as to implement the objectives; and to ensure that all heritage values are managed in the long term with the conservation of World Heritage values as the overriding principle.

Based on the collective resources, experience and expertise at each of the 11 convict sites, the Framework provides a model for the cooperative management, conservation, interpretation and

presentation of the geographically dispersed places. It identifies opportunities through information sharing and exchange, research, promotional activities and visitation, the development of interpretation, and the pooling of expertise and resources for conservation.

Implementation of this Framework is the responsibility of Australian Convict Sites Steering Committee (ACSSC) on which the KAVHA site is represented. Responsibility for individual place management rests with the relevant state and territory agencies, and the established governing bodies.

The Strategic Framework sets out a cooperative framework that, through effective collaboration and implementation, is likely to benefit the management, conservation and presentation of the KAVHA site and its heritage values.

5.11 Management Overview

The 2015–2016 Funding Agreement outlines the financial contributions to be provided by the Australian Government and Norfolk Island administration. The relative contributions will be reviewed in 2016–2017 and beyond.

In 2015–2016, a works team employed by the Norfolk Island administration will undertake site maintenance and routine conservation activities through an approved works program agreed to by the Australian Government and Norfolk Island administration. The works program will be informed by appropriate expert and technical advice. The KAVHA Manager will support Norfolk Island administration staff to deliver the works program and be the point of coordination for all EPBC Act referrals and planning applications.

In addition to the works team, there are a range of other positions within the Norfolk Island administration that will continue to interact with the daily management of KAVHA. Governance and site management arrangements will therefore need to consider these interdependencies and foster collaboration, shared information, accountability and transparency. Specific examples of where this will be needed include:

- the Norfolk Island Museum—which is operated from three sites within the KAVHA site and is integral to the delivery of on-site interpretation and visitor experiences;
- the KAVHA Research Centre staff—who are regarded as KAVHA site staff;
- the Conservator of Public Reserves—who has an island-wide role that includes making decisions about environmental issues within the public reserves of the KAVHA site (except where the provisions of the CMP (or HMP, once endorsed) prevail);
- the Sexton—who is responsible for the care, control and maintenance of the cemetery reports to the Conservator of Public Reserves; and
- the Government Stock Inspector—who manages cattle within the reserves.



