



EXPLANATORY STATEMENT

Macquarie Lightstation Heritage Management Plan 2020 ***Environment Protection and Biodiversity Conservation Act 1999***

Macquarie Lightstation

Perched upon the clifftop of Vaucluse, which is Birrabirragal Country, Macquarie Lightstation is the site of Australia's original lighthouse, built by Colonial Architect Francis Greenway in 1818. Adjacent to the Macquarie Lighthouse (Lighthouse) are two nineteenth century keepers' quarters, a wall constructed by colonial architect Sir Francis Greenway, as well as a substantial curtilage. Collectively, these buildings are referred to as "Macquarie Lightstation". The Lighthouse is a prominent landmark on Sydney Harbour and is representative of the vital link with and dependence of Australia on the sea. It is still used as a guiding light for ships.

Macquarie Lightstation comprises Lots 1, 4, 5 and 6 in DP 801240 and Lots 1 and 2 in DP 811578. The Australian Maritime Safety Authority (AMSA) has a lease over Lot 4 in DP 801240 until 2023 and is responsible for the operation of the Lighthouse. Lot 1 in DP 801240 and Lot 1 in DP 811578 (the Assistant Keepers' Quarters) and Lot 5 in DP 801240 (the Head Keeper's Quarters) are leased as private residences with leases expiring in 2116 and 2119 respectively.

Macquarie Lightstation comprises the following Commonwealth Heritage Places: the "Army Cottage with return verandah", "Cottage at Macquarie Lighthouse", "Macquarie Lighthouse", "Macquarie Lighthouse Surrounding" and "The Macquarie Lighthouse Group".

Overview of the Legislative Instrument

Section 341S of the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) requires that the Commonwealth agency that owns or controls a Commonwealth Heritage place must make a written management plan to provide for the protection and management of the values of the Commonwealth Heritage place. This management plan (Plan) provides such a framework for Macquarie Lightstation as it continues to be used as a navigation beacon, while also maximising public access to the site, conserving and interpreting its Commonwealth Heritage values, and facilitating its interpretation and appreciation as a landmark historic place in Sydney.

This is the first heritage management plan to be prepared for Macquarie Lightstation under the EPBC Act. A previous plan was made for the site in 2007 under the *Sydney Harbour Federation Trust Act 2001* and the Harbour Trust's Comprehensive Plan (Comprehensive Plan). The 2020 plan revokes and replaces the 2007 plan.

The management plan addresses all matters prescribed by Schedule 7A of the *Environment Protection and Biodiversity Conservation Regulations 2000* and is not inconsistent with the Commonwealth Heritage Management Principles.

The management plan incorporates the following documents by reference:

The ICOMOS Charter for Places of Cultural Significance

The ICOMOS Charter for Places of Cultural Significance (the Burra Charter) provides best practice principles for the conservation of Australian cultural heritage places. The Burra Charter is incorporated in the Policy 2 of the Conservation Policies (page 41 of the Plan). The Plan should be read as incorporating the Burra Charter as in force at the time the Plan commences.

The Burra Charter is freely available from the Australia ICOMOS website at <http://australia.icomos.org/publications/charters/>.

Harbour Trust Comprehensive Plan

The Comprehensive Plan articulates the vision and core values of the Harbour Trust that guide its activities in sites that it has responsibility over and provides the framework for implementation through the development of detailed policies, site management plans and guidelines. The Comprehensive Plan is adopted in the Planning Framework of the Plan (see page 13 of the Plan). The Plan should be read as incorporating the Comprehensive Plan as in force at the time the Plan commences.

The Comprehensive Plan is freely available at the Sydney Harbour Federation Trust's website: <http://www.harbourtrust.gov.au/>

Significant impact guidelines

The significant impact guidelines 1.1 and 1.2 are incorporated into Policy 1 of the Conservation Policies (see page 41 of the Plan). The significant impact guidelines provide overarching guidance on determining whether an action is likely to have a significant impact on a matter of national environmental significance protected by the EPBC Act. The Plan should be read as incorporating significant impact guidelines 1.1 and 1.2 as in force at the time the Plan commences.

The significant impact guidelines are freely available on the available on the Department of Agriculture, Water and the Environment's website: <http://www.environment.gov.au/epbc/publications>

Consultation

A draft version of this Plan was made available for public consultation between 30 January 2019 and 28 February 2019. Notices were placed in "The Australian" and "Wentworth Courier" inviting comments. The draft plan was also available for inspection on the Harbour Trust's website, in the Harbour Trust's office and in the office of Woollahra Council and the Woollahra library.

In response to the exhibition, three submissions were received. Submissions were generally supportive of the draft plan and made suggestions to help improve it further.

This Plan was also considered by the Australian Heritage Council at its meeting on 7 June 2019, and advice was provided by the Council to the delegate to the Minister. This Plan takes account of advice received by the delegate to the Minister on 19 July 2019. Additional advice was received on 28 August 2019. The Plan was endorsed by the Members of the Harbour Trust at their meeting on 5 December 2019.

Period of operation

The Plan is a legislative instrument for the purposes of the *Legislation Act 2003* and commences on the day after it is registered on the Federal Register of Legislation.

In accordance with section 341X of the EPBC Act, a review must be carried out within five years of the Plan being made.

Regulation Impact Statement

The Office of Best Practice and Regulation (OBPR) advised that a Regulatory Impact Statement was not required for heritage management plans (OBPR reference: 24517).

Places where the Plan may be freely accessed

The Macquarie Lightstation Heritage Management Plan 2020 may be freely accessed at the websites of the Sydney Harbour Federation Trust: <http://www.harbourtrust.gov.au> and the Federal Register of Legislation: <https://www.legislation.gov.au/Details/F2020L01339>

In addition, hard copies of the Macquarie Lightstation Heritage Management Plan 2020 may be obtained from the Harbour Trust.

Statement of Compatibility with Human Rights

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

Macquarie Lightstation Heritage Management Plan 2020

This disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the disallowable Legislative Instrument

The purpose of this Plan is to provide for the protection and/or management of Macquarie Lightstation pursuant to section 341S of the *Environment Protection and Biodiversity Conservation Act 1999*. The Plan contains a detailed description of the history and cultural significance of Macquarie Lightstation as well as its physical elements and condition. The Plan sets out the operational requirements for the management of the place with policies to guide the management and protection of its Commonwealth Heritage values.

Human rights implications

This disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.