

Godden Mackay Logan

Heritage Consultants



# Norfolk Island

## Assessment of Nine Applications to Vary Heritage Register

Report prepared for Administration of Norfolk Island  
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**CONFIDENTIAL**

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## Report Register

The following report register documents the development and issue of the report entitled Norfolk Island—Assessment of Nine Applications to Vary Heritage Register, undertaken by Godden Mackay Logan Pty Ltd in accordance with its quality management system. Godden Mackay Logan operates under a quality management system which has been certified as complying with the Australian/New Zealand Standard for quality management systems AS/NZS ISO 9001:2000.

Job No.	Issue No.	Notes/Description	Issue Date
08-0327	1	Draft Preliminary Report	January 2009
08-0327	2	Final Report	February 2009
08-0327	3	Revised Report	13 February 2009

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The Norfolk Island Heritage Register, made under the Norfolk Island Heritage Act 2002, included the heritage item known as Kingston Arthur's Vale Historic Area (KAVHA). The item's statement of significance, description, condition, integrity and location are detailed in the Heritage Register.<sup>1</sup>

Between August 2006 and March 2007, several years after the Norfolk Island Heritage register was made, nine applications to vary the register by omission of specific properties were submitted, accepted and processed by the Administration of Norfolk Island. This included publication in the Norfolk Island Government gazette and receipt of several hundred public submissions.<sup>2</sup> The location of the variation nominations are shown on the attached plan.

Five of the nine properties are Crown leasehold. In 2007, the then Minister for Territories objected to their exclusion from KAVHA.

The Minister for Home Affairs has also advised that the Australian Government does not support review of the KAVHA boundary.<sup>3</sup>

Godden Mackay Logan has been engaged by the Norfolk Island Administration as an independent heritage adviser to assess the applications and provide recommendations to the Norfolk Island Planning Board.

### Planning Context

Under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act), Commonwealth land in KAVHA was placed on the Commonwealth Heritage List in June 2004.

Further, in August 2007 KAVHA as a whole was included on the National Heritage List following an intensive public consultation process. In both listing processes, analysis of KAVHA's heritage significance using the criteria set out in the EPBC Act was undertaken; a detailed description and history was prepared, together with an assessment of KAVHA's condition, integrity and boundary.

The EPBC Act requires consideration of the impact of any proposed development on places which are on the National Heritage List (NHL), hence covering development on both listed and unlisted places (since development on an unlisted place may have an impact on a listed place, eg a neighbouring property). If an impact is likely, a referral needs



Figure 1 From John Christian's property.



Figure 2 From Millie Walden's property.



Figure 3 From Ron Nobbs's property.



Figure 4 From Janice Cooper's property.



Figure 5 From WB Evans's property.

to be made to the Department of the Environment, Water, Heritage and the Arts (DEWHA).

In 2007 KAVHA was included in the nomination for World Heritage listing as one of a series of eleven Australian convict sites—a listing which may potentially have a significant and sustainable impact on the Norfolk Island economy and future generations. KAVHA is the only one of the eleven sites not to have been nominated with a surrounding buffer zone, since it was considered to be *“comprehensively protected by a natural buffer zone within the boundaries of the [KAVHA] site...protect(ing) the significant fabric, views, vistas and landscape elements,...guard(ing) against encroaching development...the heritage values are protected by the 90m contour.”*

In 2006, a land initiative commenced to allow purchase of Crown leasehold land on Norfolk Island. Land within KAVHA was specifically excluded from this initiative.

Under the Strategic Plan section of the Norfolk Island Plan 2002 (as amended) the properties are classified as high rural/conservation value which is intended to remain largely undeveloped in the long term...focused on intrinsic rural character, natural and cultural heritage. The Strategic Plan includes objectives to promote high standards of visual amenity, protect significant landscapes, environmental and heritage qualities (3.2.7 and 3.2.8). The zoning scheme in the Norfolk Island Plan classifies the land in the Rural Zone. This zone has a very limited range of activities permissible, minimum 4 hectare subdivision, and specific access requirements.

#### **What do the 2004 and 2007 Commonwealth and National heritage listings mean?**

Any activity or development likely to have a significant impact on KAVHA requires approval under the EPBC Act. Therefore any proposed development, alteration or range of activities considered to have adverse impacts needs to be referred to the Federal Environment Minister for a decision. This is undertaken via a form sent to Canberra, where it is assessed by DEWHA officers.

Referral is required whether or not the development is within the Commonwealth or National Heritage Listed area—the key issue the applicant has to answer is ‘Will this action adversely affect KAVHA?’, so development proposals near the listed area may need referral as well as development on those portions within KAVHA.

Guidance and resource documents about the NHL and CHL are accessible at [www.environment.gov.au/heritage/publications](http://www.environment.gov.au/heritage/publications).

#### **What is the Norfolk Island Heritage Register?**

Created in 2003, this Register is part of *Heritage Act 2002* (Norfolk Island Government) (the Heritage Act). It directly adopted all the Norfolk Island heritage items that were then on the Register of the National Estate—KAVHA, public reserves, Longridge settlement site, St Barnabas Chapel area etc.

The draft register was publicly exhibited in August 2003, all owners were personally contacted, provided with detailed information packages. After public exhibition, submissions were received and, after the points expressed were considered, the final register was gazetted on 9 December 2003.

The Norfolk Island Heritage Act includes unusual provisions which allow the variation of the register at any time (add or delete items)- the register is therefore always open to change. These provisions led to nine applications to vary the register being lodged in 2006/7. They were advertised and submissions were received. As required by the legislation, a heritage adviser was appointed to review the variations. This is the preliminary report of the heritage adviser to the Planning Board. It was verbally delivered to

the Board and delegate members at a meeting on Norfolk Island on 16 January 2009 together with a PowerPoint presentation of the issues.

There is provision for a NI heritage fund to support the conservation of listed heritage items, which has yet to be established by the NIG. On the mainland such funds provide important incentives to heritage property owners to pay for professional advice or modest conservation works.

### How are variations to the Register assessed?

To vary the Norfolk Island Heritage Register, it is necessary first to determine the heritage significance of the items in question against the criteria in the Heritage Act (Schedule 15). An item must meet three or more of the criteria in the Act to enter the register (NB most Australian heritage jurisdictions require that only one criteria be met). Regulations set out the process for advertising, consultation etc.

The Norfolk Island Heritage Act states that an object or place may have significance in Norfolk Island because it:

- *shows the evolution of Norfolk Island's natural or cultural history;*
- *demonstrates rare or endangered aspects of Norfolk Island's natural or cultural heritage;*
- *provides information contributing to understanding Norfolk Island's natural or cultural history;*
- *demonstrates a range of landscapes, environments or ecosystems;*
- *demonstrates aesthetic, technical or creative excellence, innovation or achievement;*
- *has a strong or special association with the Norfolk Island community; and*
- *has a special association with the life or works of a significant Norfolk Island person or group of persons.*

These are the criteria against which KAVHA has been listed and therefore the same criteria are to be used to assess the current applications.

### What is KAVHA exactly ?

The boundary of the place nominated in the Norfolk Island Heritage Register, the National Heritage List, the Commonwealth Heritage List and the World Heritage

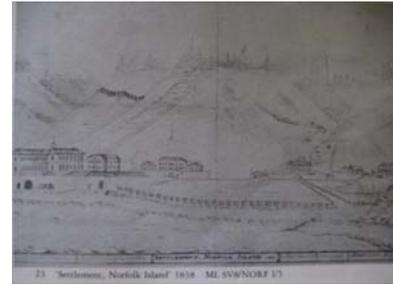


Figure 6 The settlement 1838.



Figure 7 Extract from view of the Landing Place 1845, NB Longridge Rd.

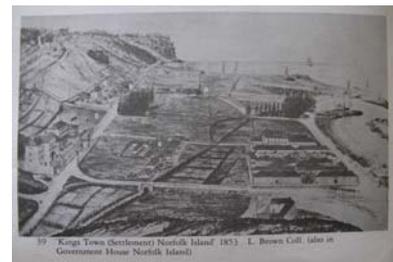


Figure 8 Kingstown settlement 1853.

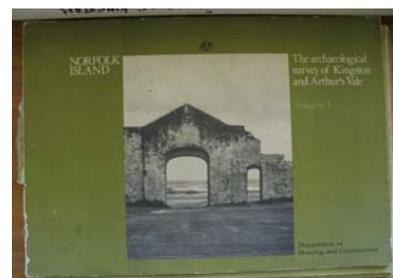


Figure 9 1980 archaeological assessment.

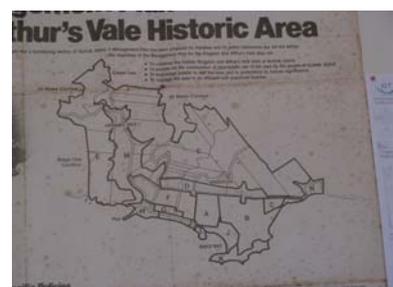


Figure 10 The 1980 KAVHA plan.

nomination is the heritage item known as the Kingston and Arthur's Vale Historic Area (KAVHA). The KAVHA boundary<sup>4</sup> was established in the 1980 Register of the National Estate. It is partly a topographical and partly a property boundary.

Prohibiting the erection of buildings in the Kingston area had been recommended by the Norfolk Island Planning Board, and was gazetted on 19 October 1967. The area today known as KAVHA was identified as a Designated Area in 1981 under the *Building Ordinance 1976*<sup>5</sup> by the *Building (Amendment) Act 1981*. KAVHA was entered into the Register of National Estate by the Australian Heritage Commission in 1980. The same area was adopted in the 2003 Norfolk Island Heritage Register, then again in the 2004 listing of Commonwealth land in Norfolk Island on the Commonwealth Heritage List under the EPBC Act and finally the same boundary was used in the 2007 listing of KAVHA on the National Heritage List, also under the EPBC Act.

The same area is also included as KAVHA in the 2008 World Heritage nomination of Australia's convict sites. The description of the KAVHA boundaries has been better expressed over time but, after repeated analysis and testing, it has remained the same throughout all reviews, plans, listings etc.

The boundary is a logical combination of coastline and property boundaries and the 90m contour line. It encompasses the significant cultural landscape which tells all KAVHA's stories of its environment, settlement and evolution.

In the past there have been ideas about protecting viewsheds, vistas, 'blue blobs' and extensions of the historic area in various plans exhibited or discussed, but this has not happened to date.

The area covered by KAVHA now is the same as it was in 1980. The original physical boundary has never changed although the description and understanding of its significance has evolved over time.

### **Why is KAVHA considered to be of outstanding heritage significance?**

Each of the levels of heritage listing mentioned above has involved consulting a wide range of community groups and different experts, using similar assessment processes to reach the recommendation to heritage list KAVHA. Extensive historic research and analysis of significance informs such work, which is followed by comparative analysis with similar objects and places. Public consultation often leads to refinement of information which is assessed against the heritage criteria in the Act. A key element is the very careful definition of boundaries of the place to be listed, developed by experts and communities working together, which is usually followed by statutory protection that, in the case of KAVHA, is provided by both Norfolk Island and Commonwealth governments.

Thus the significance, description and integrity of KAVHA has been reviewed and refined through various heritage listing processes over more than 30 years. Complementary but slightly different assessment criteria and conservation processes have been used over the decades. Successive Conservation Management Plans (CMPs) which have been prepared for the site have also reviewed these issues—first in 1980, then in 1988, updated in 2002 and most recently revised, updated and exhibited in 2008, being formally approved by the Norfolk Island Legislative Assembly in November 2008, which is likely to be accredited by the AHC in March 2009.

In all, the significance and values of KAVHA have been reviewed ten times<sup>6</sup> since it was first listed. The texts of these reports and listings show a move from the early emphasis on buildings, archaeology and convict stories to include Polynesian occupation, an increasing recognition of cultural landscape values and, most recently, acknowledgement of Pitcairner heritage values.

The Norfolk Island Heritage Register states that KAVHA is significant for its:

- *association with four distinct settlement periods in one place;*
- *aesthetic qualities and cultural landscape;*
- *symbolic, ceremonial, religious, lifestyle and cultural associations with Pitcairner settlement;*
- *unique built and natural heritage setting;*
- *archaeological research potential;*
- *important wetland habitat and remnant vegetation;*
- *being a resting place for migratory birds;*
- *population of rare crustaceans; and*
- *the watercourse and its connection to the lagoon and marine environment.*

*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 Heritage Register gazettal notes that the 'the portions meet all of the seven criteria' (in the Norfolk Island Heritage Act).

The Norfolk Island Heritage Register is managed by the Heritage Act, which includes regulations to manage heritage places listed in the Heritage Register and the heritage regulatory map.

The Norfolk Island Plan includes objectives about conservation and protecting listed items and it lists the matters to be considered when dealing the development and use heritage places. In the case of development applications in KAVHA, this includes consideration of KAVHA Management Board advice.

The Plan further requires that impacts of development in the vicinity of a heritage item be assessed. Incentive provisions to support heritage items are included in the Heritage Act to encourage conservation of heritage items, eg the Norfolk Island Heritage Fund. Special provisions in the Norfolk Island Plan in recognition of 'KAVHA's internationally significant contribution to the heritage of NI' state that KAVHA is seen '*as a critical element in the landscape and heritage of NI. Preservation of the integrity of KAVHA requires special consideration*'.

The use of the term 'integrity' has a special meaning in this instance. Integrity is a measure of the wholeness and intactness of a place and its heritage significance. It refers to the condition of a place, usually as a measure of the extent to which its heritage significance remains intact or is in a whole, complete condition.<sup>7</sup> It is a critical aspect to be considered in relation to these applications.

#### **Who has participated in the significance reviews and conservation plan processes?**

A wide range of stakeholders, experts, administrators, politicians, owners and leaseholders (locally, nationally and internationally) and community members have participated in the preparation, review and revision of these heritage listing citations and management plans.

All of the applicants interviewed on site in January 2009 mentioned attending many public meetings in relation to the plans, significance and management of KAVHA generally.<sup>8</sup> Lists and controls have evolved and changed over time, so there is now some confusion about the different listings and management outcomes. Which is which? There is understandable consultation fatigue and frustration.

#### **What public response has there been to the variation applications?**

The nine applications to vary the Heritage Register seek to change the boundaries of KAVHA, which is the heritage item listed on the Heritage register, by omitting the nine properties owned or leased by the applicants. The criteria for making or varying the register are listed in the Schedule to the Heritage Act. Therefore these are the same criteria which must be used to assess the variation applications. All applications seek to have their portion of land or lease removed from the register. However, it must be stressed that the heritage item listed on the register is KAVHA, not individual allotments or portions.

The recent Supreme Court case 11 of 2006 case (Walden vs Administration of Norfolk Island) noted that generally the word 'place' does not refer to each individual allotment within a wider setting; it is not limited to a single item. The word encompasses a landscape if it has the special significance required.

The September 18 report by Alan McNeil details the justifications presented for the removal of the subject properties from the heritage register. The first application, for Portion 91b, was received from Mrs E Walden in 2006, which eventually became the subject of SC11 of 2006. In 2007 eight other applications were received. Public submissions about the variations were called for in the Gazette, to which several hundred responses were received—many containing common information. McNeil notes that *'nearly all of the people who signed submissions are resident on Norfolk Island. Nearly all of the submissions were based on one of a handful of standard letter formats'*.

Community views expressed in the submissions included support for the applicants. The submissions generally considered that the land has no special significance, several suggested that the heritage register should include only government-owned properties. It was suggested that inclusion in KAVHA will alienate the land from its rightful use and enjoyment by X family and the ability of his/her descendants to regard Norfolk Island as their homeland. All variations requested removal from the register.

Five of the nine properties are Crown leasehold, and the former Minister for Territories has objected to their exclusion from KAVHA.

The Minister for Home Affairs has also advised that the Australian Government does not support review of the KAVHA boundary.<sup>9</sup>

The applications are now referred to the Planning Board for consideration prior to a decision by the Executive Member. Sheridan Burke, partner Godden Mackay Logan, has been appointed to act as heritage adviser and member of the Board in this matter.

### **Consideration of the Applications to Vary**

The item listed on the Norfolk Island Heritage Register is KAVHA as an entity. The cumulative impact of any variation of the entity must be carefully considered—any individual variation impacts the whole area.

I have reviewed the applications and documentation provided, viewed the KAVHA boundaries from many positions, visited the site of each application and consulted with each owner and a range of relevant stakeholders.

It is my conclusion that the heritage significance of KAVHA remains as it is stated in the Norfolk Island Heritage Register,<sup>10</sup> and recent NHL and CHL citations. The subject properties each contribute to that significance and the nine variations sought to the boundary by omission of the land owned or leased by these applications would diminish and adversely impact the heritage item which is KAVHA.

Such variations would also be in direct conflict with the stated purpose of the Norfolk Island Heritage Act which is 'to provide for the promotion of the conservation of the heritage of Norfolk Island'.

The variations are not justified or appropriate in heritage terms. Indeed, the removal of these properties would damage the integrity of KAVHA. 'Integrity' is a measure of the wholeness and intactness of a place and its heritage significance<sup>11</sup> and is a critical benchmark for heritage site management.

In my opinion, no variation of the boundary of KAVHA is justified, since all of the properties are components of KAVHA as an entity, and demonstrate the values required by the criteria in the Act. My research and observations confirm that KAVHA as a whole amply demonstrates that it has the significance ascribed to it in the 2003 register. KAVHA has also been confirmed as a nationally significant historic area. It demonstrates the integrated nature of a range of heritage values and of multiple components—its significance is also the sum of its parts.

Recent listings research and CMP preparation/reviews by a range of minds have repeatedly confirmed that KAVHA as a whole meets the heritage criteria of the Norfolk Island Heritage Act and the EPBC Act. It may indeed prove to be considered of outstanding universal value in World Heritage terms.

In the landscape of KAVHA is written the settlement diary of Norfolk Island. All of the statements of significance written by experts and communities alike over the decades describe and assess the value of this evidence of interaction of natural environment and incoming settlers. The heritage significance of KAVHA is not solely within the convict buildings and Arthur's Vale, but demonstrated throughout the site in its subdivision pattern, its buildings and archaeological remains, its ruins, its landscape, its seascape and its setting and plantings- all telling stories of waves of settlement, Polynesian occupation, the strength of Pitcairn culture and the gradual evolution to the cultural landscape we see today. The KAVHA boundary provides the essential and interpretable context for conserving, managing and interpreting KAVHA's significance to Norfolk Island and to Australia (and possibly to the world).

The KAVHA landscape is today an ongoing diary of its heritage and its history. Places and elements within it relate to specific settlement stories, activities and events which are interpretable in the landscape. KAVHA's boundaries encompass all these stories.

It is a single entity, not a listing of individual portions. To remove pages of this diary would diminish and adversely impact KAVHA's heritage significance as an historic conservation area. To omit certain portions would damage KAVHA's integrity. Such damage is contrary to the Heritage Act's objectives.

It is an ongoing challenge to manage that inherited diary for Norfolk Islanders today and in the future as well as for visitors. At this point in time, it is an inter-generational economic responsibility for current owners, leaseholders and administrators. KAVHA should not be reduced in area, but its owners and leaseholders need support and guidance from the Norfolk Island Administration and the Commonwealth to best use and conserve their properties in ways that achieve compatible outcomes for conservation and family use.

### **Ways forward?**

From individual discussions with each of the applicants, several issues emerged which were keenly felt and forcefully articulated on site inspections.

There was a frequently expressed preference amongst the applicants not to have 'the government tell me what to do with my land'. Faced with the variety of planning and development regulation which has evolved over many years, all applicants voiced frustration at what they felt were 'changing goal posts' and feel that they are discriminated against. In my experience, this is also a common response to the general increase of governance and planning regulation nationwide.

Most applicants stated that they do not believe that privately owned land should be on the heritage Register. Some felt that KAVHA should be limited to the convict buildings and Arthur's Vale. However, this is a position which has been rejected repeatedly by community and experts assessing the KAVHA area, which have repeatedly confirmed the boundaries and significance of KAVHA as being much wider in concept and area than the applicant's perceptions.

Most applicants are concerned to provide an ongoing interest in the property for their children, as their own parents have done for themselves, whether via freehold or leasehold. All applicants expressed a desire for certainty about what they can do on their land, with a view to future family use or development,<sup>12</sup> often undefined as yet. The development of a DCP and modeling of potential development on individual sites would be of assistance in clarifying these concerns. One on one discussion with applicants about land capability and intentions was favoured by the Planning Board representatives. Such an approach would be most useful once the recommended guidelines are drafted.

It became clear that few applicants were aware of the data and historic information that has been collected by the KAVHA Board, the Administration of Norfolk Island etc about the area, and had a very variable understanding of why the place, and their portion of it, was significant. To improve this situation, it is suggested that an integrated database which would provide access to the historic photographs and data from the many research reports completed over the last 30 years on KAVHA should be made publicly accessible ASAP.

## Conclusions

### 1. **The nine applications to vary the boundary of KAVHA are not supported. All properties should be retained within KAVHA.**

These properties are individually and collectively important for integrity of KAVHA's cultural landscape and setting; demonstrating the evolution of Norfolk Island cultural history; providing information about associated settlement pattern and community of Norfolk Island; and having strong aesthetic character and values.

The heritage item of significance in the Norfolk Island heritage register is KAVHA as a whole. Its values are still as they were described in the 2003 Norfolk Island Heritage Register entry: "a cultural landscape with associations with all settlement periods and strong aesthetic qualities".

KAVHA's significance is the sum of its parts, and excising portions will damage its integrity and heritage values. That significance has been tested, confirmed and updated over 30 years, most recently via National Heritage List processes.

The seven applications which are ridgeline properties make important contributions to the settlement diary of KAVHA provide evidence of the important Pitcairner chapter and are integral to the setting of KAVHA as a whole, which needs to be conserved, managed and interpreted.

Two applications relate to freehold land situated close behind Quality Row. They are integral to the significance of the site, but additional conservation management issues arise for these portions.

Once more, it is important to note that any variation to the KAVHA boundary as recognised in Norfolk Island legislation will not affect the existing application of the EPBC Act to the site in relation to its National and Commonwealth Heritage List status (or the World Heritage listing if it eventuates). All activities with significant impact on KAVHA will need approval from the Minister for the Environment. This will naturally tend to distance local planners (with their local knowledge of sites and issues) from considering applications with heritage impacts, because all NHL applications are dealt with in Canberra,



Figure 11 Mrs J Cooper Portion 177 (CL).



Figure 12 William Blucher Portion 81j (CL).



Figure 13 Beverley Simpson Portion 65d2 (CL).



Figure 14 John Christian Portion 176a (CL).



Figure 15 Charlotte Christian Portion 67a (CL).

since there is no delegation to the NIG. Even if omitted from the KAVHA, owners and leaseholders inside or outside the area who propose development which may impact on KAVHA's significance will have to apply to and negotiate with Canberra, not Quality Row.

In my opinion, local involvement is always preferable: keep as much of the planning and consent process on the island as possible.

There may, at this point in time, be an opportunity to attract Commonwealth support to collaboratively develop planning guidelines for KAVHA landholders and the community more generally, to understand how planning controls impact upon them.

## 2. Specific Planning Guidance is needed within KAVHA

The preparation of plain English guidance documents, including a Development Control Plan to provide a clearer understanding of what property owners can do within KAVHA may well assist in alleviating the confusion and concerns being expressed through the variation applications. Documents are needed which facilitate community understanding of:

- **Development process in KAVHA**—an illustrated version of the 2008 CMP's Appendix 7: KAVHA Management System, would assist all owners and leaseholders to understand their responsibilities and the planning process which now applies;
- **Design principles** for development in KAVHA—guidelines as to what sort of building footprint, form, scale, bulk, character and materials are appropriate, similar to the RAIAs' *Design in Context*. Such guidelines could be incorporated into a DCP under the Norfolk Island Strategic Plan;
- **Heritage impact assessment**—illustrated guidelines for preparing heritage-related development applications to minimise adverse impacts which also provide EPBC-related advice on referrals.

With such tools developed and successfully operating, the Norfolk Island Government may in future seek a bilateral agreement with the Commonwealth regarding specific types of complying/exempt development within KAVHA.

Once such tools are operational, the possibility of allowing freehold for select Crown leasehold areas of KAVHA via Conservation Agreements might be further considered. This could potentially facilitate family use of certain areas of portions, for example to enable continued family residential use on sites where no adverse impact on KAVHA would ensue, whilst confirming heritage conservation values of the site as a whole as part of KAVHA.

**3. There is also a need to develop model examples as typical good solutions for selected sites within KAVHA** which indicate where development such as new buildings designed within the guidelines above might be located. The properties of Beverly Simpson, Charlotte Christian and Janice Cooper are typical ridgeline cases, and it is recommended that a heritage planner be commissioned to work with one of these landholders to define parameters to test with such guidelines. . Good examples include Yarra Ranges Guidelines; Victorian Coastal Guidelines; Hill End Development Control Plan; and Conservation Area Guidelines (NSW Department of Planning).

**4. An archaeological zoning plan for KAVHA is needed to assist owners** in understanding the heritage components and constraints of their properties. For example, Millie Walden’s portion 91b appears to include the remains of a section of Longridge Road running through it, but its exact site and implications for disturbance/development are not clear. The 1980 Archeological Report and 2008 CMP include relevant documentation.

**5. The Pitcairn heritage of KAVHA** needs to be pro-actively interpreted for residents and visitors eg expand oral history program, develop a family ties project, implement a site Interpretation Plan.

**6. Detailed conservation planning of Portion 81 is needed.** Two variation applications are on land which is extremely sensitive from a visual and archaeological perspective within KAVHA. They are immediately adjacent to archaeological remains which are rare and vulnerable, raise difficult management issues within KAVHA. In the case of at least one of these lots there are some associated sensitivities in relation to the use of long-held family land. The lots are portions 81f, part 81g, 81h and part 81i.

Strategic conservation planning is essential for this small precinct, which would involve detailed analysis of land capability, its technical potential for development under the planning scheme, and an understanding of the property owner’s objectives for these portions to establish policies to guide development based on knowing all the opportunities and constraints.

Specific guidance about compatible development, forms and locations on these portions may be possible, or these may be one of the very rare cases where public conservation, interpretation and management is necessary to conserve heritage values, for example through a Conservation Agreement, land swap or part purchase.

It is understood that negotiations are already in train regarding these issues in relation to portion 81f, the Pedel property which aim to resolve the owners’ desire for a family home by provision of Island land elsewhere, with this extremely sensitive site being publicly



Figure 16 G and H Pedel Portion 81f.



Figure 17 WB Evans Portion 81h.



Figure 18 Millie Walden Portion 91b.



Figure 19 Ron Nobbs Portion 78a.



Figure 20 Portion 81

acquired and managed (preferably with access rights to the Pedel family).

Further development or expansion of Portion 81h, Islander Lodge, may be difficult to achieve without adverse impacts on KAVHA, as would development of the upper part of portion 81i and to a lesser extent portion 81e.

An offer of management assistance should be extended to the owner of the underground convict-built silos (Portion 81g), a nationally rare and vulnerable place and artefact, where there is concern regarding the impact of adjacent excavation causing long-term structural damage.

**7. An integrated database of historic resource material** and heritage data held by KAVHA board, should be made publicly accessible, eg web based, as soon as possible.

**8. A Cultural Landscape Plan** for KAVHA is needed to integrate environmental erosion management with KAVHA tree management policy. Issues of 'screening' planting and the re-interpretation of historic plantings require further consideration and analysis.

**9.** The current **variation provisions** of the Norfolk Island Heritage Act should be reviewed to assess the resources required, uncertainty created and time involved in this process. In my view it is better not to allow the possibility for variations to continue on indefinitely, creating uncertainty and insecurity by lack of closure. A Heritage Register should be exhibited, comments considered, and the register finalised. Registers can be reviewed thereafter on a regular basis- generally every five years

**10. In the case of the specific applications:**

Table 1

Land	Owner	Comments	Recommendation
Portion 177 Lot 12 Section 6 Title No. 1546 *Crown lease	Janice E Cooper	Commonwealth Minister objects to exclusion. Potential model to identify where a new house might be located with design guidelines.	Important for integrity of KAVHA's cultural landscape and setting; demonstrates evolution of Norfolk Island cultural history; provides information about associated settlement pattern and community of Norfolk Island; strong aesthetic character and values.  <b>Retain within KAVHA.</b>
Portion 81j Lot 10 Section 8 Title No. 1671 *Crown lease	William Blucher	Commonwealth Minister objects to exclusion. Screening restricted by pine lopping.	Important for integrity of KAVHA's cultural landscape and setting; demonstrates evolution of Norfolk Island cultural history; provides information about associated settlement pattern and community of Norfolk Island; strong aesthetic character and values.  <b>Retain within KAVHA.</b>
Portion 65d2 Lot 26 Section 6 Title No. 1519 * Crown lease	Beverley Simpson	Commonwealth Minister objects to exclusion. Potential model to identify where a new house might be located with design guidelines.	Important for integrity of KAVHA's cultural landscape and setting; demonstrates evolution of Norfolk Island cultural history; provides information about associated settlement pattern and community of Norfolk Island; strong aesthetic character and values.  <b>Retain within KAVHA.</b>
Portion 176a Lot 99 Section 21 *Crown lease 987	John M Christian	Commonwealth Minister objects to exclusion. Important component of setting and landscape component of KAVHA, esp. viewed from Taylor's and Country roads.	Important for integrity of KAVHA's cultural landscape and setting; demonstrates evolution of Norfolk Island cultural history; provides information about associated settlement pattern and community of Norfolk Island; strong aesthetic character and values.  <b>Retain within KAVHA.</b>

Land	Owner	Comments	Recommendation
Portion 67a Lot 8 Section 5 Title No. 1681 *Crown lease	Charlotte Christian	Commonwealth Minister objects to exclusion. Potential model to identify where a new house might be located with design guidelines	Important for integrity of KAVHA's cultural landscape and setting; demonstrates evolution of Norfolk Island cultural history; provides information about associated settlement pattern and community of Norfolk Island; strong aesthetic character and values.  Critical area behind cemetery. <b>Retain within KAVHA.</b>
Portion 81f Lot 73 Section 6 Title No. 498 Freehold	Glen and Helen Pedel	Critical visual location in curtilage of Kingston. Should be publicly owned with access for family use, no structures. Concern re vulnerability of silo structures adjacent, archaeology.	Important for integrity of KAVHA's cultural landscape and setting; demonstrates evolution of Norfolk Island cultural history; provides information about associated settlement pattern and community of Norfolk Island; strong aesthetic character and values. <b>Retain within KAVHA.</b>  Portion 81 requires precinct plan. Investigate public management, Conservation Agreement with permanent family access.
Portion 81h Lot 2 Section 6 Title No. 1779 Freehold	WB Evans	Critical visual location in curtilage of Kingston. Should be publicly owned, no structures. Concern re vulnerability of silo structures adjacent, archaeology.	Important for integrity of KAVHA's cultural landscape and setting; demonstrates evolution of Norfolk Island cultural history; provides information about associated settlement pattern and community of Norfolk Island; strong aesthetic character and values. <b>Retain within KAVHA.</b>  Portion 81 requires a precinct plan. Investigate public management, Conservation Agreement
Portion 91b Lot 4 Section 18 Title No. 382 Freehold	Millie Walden	Subject of SC11 of 2006 application to remove portion from KAVHA and from the Heritage Register, dismissed. Archaeological research potential for remains of Longridge Road.	Important for integrity of KAVHA's cultural landscape and setting; demonstrates evolution of Norfolk Island cultural history; provides information about associated settlement pattern and community of Norfolk Island; strong aesthetic character and values. <b>Retain within KAVHA.</b>  Essential component of KAVHA setting to ridgeline.
Portion 78a Lot 1 Section 18 Title No. 727 Freehold	Ron Nobbs	Important component of setting and landscape component of KAVHA, especially viewed from Taylors and Country roads, major approach roads from Burnt Pine.	Important for integrity of KAVHA's cultural landscape and setting; demonstrates evolution of Norfolk Island cultural history; provides information about associated settlement pattern and community of Norfolk Island; strong aesthetic character and values. <b>Retain within KAVHA.</b>

**Recommendations**

To sustain the conservation management of KAVHA, planning tools and incentives are recommended:

- Activate the **Norfolk Island Heritage Fund** so that modest support is available for conservation works to owners/leaseholders on the Norfolk Island Heritage Register.
- Develop specific **planning guidance tools** for use in KAVHA to build on the policies of the CMP, perhaps as a DCP eg principles for designing new buildings, (refer *Design in Context*) for KAVHA; a do-it-yourself guide to heritage impact assessment for use on Norfolk Island
- Request DEWHA to prepare a brief illustrated guide to the **referral process** under EPBC Act and how it interacts at Norfolk Island level on a day to day basis.



Figure 21 Emily Bay.



Figure 22 Quality Row.



Figure 23 Arthur's Vale.



Figure 24 Portion 81.



Figure 25 Cemetery.

- **Actively engage with DEWHA** in the preparation of KAVHA planning guidelines to ensure financial commitment and compatibility with EPBC Act referral processes.<sup>13</sup>
- **Develop model solutions** for specific sites within KAVHA which identify potential building locations, footprints, envelopes for select site types to demonstrate what is development is possible for those who want to build
- Facilitate and activate public access to **KAVHA historic resources**—pictures, plans, research etc, via a website;
- Prepare an **archaeological zoning plan for KAVHA** so archaeological potential is clarified —start with Longridge Rd.
- Undertake **specific precinct planning for Portion 81**. Precinct planning would include advice regarding building footprints, form, scale, bulk, character and siting as well as landscaping. Conservation agreements made under the EPBC Act may also play an important role on individual allotments.
- Prepare a **Cultural Landscape Plan** for KAVHA to integrate environmental erosion management with KAVHA tree management policy. Issues of 'screening' planting and historic plantings require further consideration.
- **Review the current variation provisions** of the Norfolk Island Heritage Act with a view to creating closure, security and certainty about the register.
- Pro-actively **interpret the Pitcairn heritage of KAVHA** now, eg expand oral history program, develop a family ties project, and implement a whole of site Interpretation Plan.
- Promote, recognise and value KAVHA as a diary of a culturally significant settlement through **tourism and interpretation initiatives**.

### Summary of findings

1. KAVHA is a settlement diary for all Norfolk Islanders: maintain the integrity of this cultural landscape, do not diminish or damage it by removing portions.
2. KAVHA's significance involves layers of settlement: proactively interpret all the stories to visitors and residents.
3. KAVHA is a nationally significant place: work with DEWHA and the community to develop planning tools to manage it sustainably.

**Sheridan Burke, 26 January 2009**

## Endnotes

<sup>1</sup> 9 December 2003.

<sup>2</sup> Report of Alan McNeil, 18 September 2008, notes that 'nearly all of the submissions are from residents of Norfolk Island. Nearly all of the submissions were based on one of a handful of standard letter formats'.

<sup>3</sup> Minister Debus stressed the importance of buffer zones for World Heritage sites and that the government may consider revocation of amendment to Crown leases affected by any variation to KAVHA.

<sup>4</sup> The Norfolk Island and Commonwealth descriptions vary slightly in their wording and format.

<sup>5</sup> Chloe Nicholas

<sup>6</sup> 1980 Kingston Arthur's Vale Management Plan: Department of Home Affairs; 1980 Register of the National Estate, Australian Heritage Commission; 1998 Conservation Management Plan, Clive Lucas Stapleton; 2003 Norfolk Island Heritage Register (all RNE items) Norfolk Island Government; Commonwealth Heritage Register 2002-4? Draft revision of CMP, Otto Cserhalmi; 2007 National Heritage Listing DEWHA; World Heritage nomination DEWHA; 2008 Feb Draft Conservation Management Plan, NSW Department of Commerce with Otto Cserhalmi; 2008 Nov Conservation Management Plan ratified by Norfolk Island Government.

<sup>7</sup> Adapted from article 88, World Heritage Operational Guidelines.

<sup>8</sup> The KAVHA Board is presently the subject of a governance review.

<sup>9</sup> Minister Debus stressed the importance of buffer zones for World Heritage sites and that the government may consider revocation of amendment to Crown leases affected by any variation to KAVHA.

<sup>10</sup> The statement of significance could be updated with recent research.

<sup>11</sup> Adapted from article 88, World Heritage Operational Guidelines.

<sup>12</sup> Concern about KAVHA's tree planting and management practices was also expressed.

<sup>13</sup> Refer to Conservation Area Guidelines, 1996. Heritage Office of NSW and Department of Urban Affairs and Planning.

