

# Governors' Domain and Civic Precinct

National Heritage Place



*Environment Protection and Biodiversity Conservation Act  
(1999): Referral Guidelines 2021*

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# Introduction

The Department of Agriculture, Water and the Environment (the department) is responsible for the protection of matters of national environmental significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The matters of national environmental significance are:

- world heritage properties
- national heritage places
- wetlands of international importance (listed under the Ramsar Convention)
- listed threatened species and ecological communities
- migratory species protected under international agreements
- Commonwealth marine areas
- Great Barrier Reef Marine Park
- nuclear actions (including uranium mines)
- a water resource, in relation to coal seam gas development and large coal mining development.

A proposed action must be referred to the Australian Government Minister for the Environment (the Minister) if it will have, or is likely to have, a significant impact on one or more matters of national environmental significance. More information on the [matters protected under the EPBC Act](#) are available on the department's website.

This document is to assist any person who proposes to take an action that may impact on the National Heritage values of the Governors' Domain and Civic Precinct. It does not provide guidance on other matters of national environmental significance, such as migratory species, that could be impacted by an action undertaken within the Governors' Domain and Civic Precinct. More information on how to assess whether an action will have a significant impact on other matters of national environment significance can be found in the department's [Significant Impact Guidelines 1.1](#).

This document will help those taking an action to decide whether or not a referral should be submitted for decision by the Minister on whether an assessment approval is required under the EPBC Act. The document should be read in conjunction with the EPBC Act; the gazetted National Heritage values for the Governors' Domain and Civic Precinct (Appendix B) and any current management plan for this place when making a decision on whether to refer an action for decision by the Minister.

While these guidelines provide information to help decide whether to refer an action, the possible impacts of the proposal will depend on the particular circumstances of the action. When uncertain, site managers and proponents should seek expert heritage advice to ensure National Heritage values and potential impacts on them are clearly understood. The guidelines are a 'living' document and can be updated at any time to include further examples or other relevant information. Please contact the department by emailing the heritage mailbox ([heritage@awe.gov.au](mailto:heritage@awe.gov.au)) if you would like to clarify any section of the current guidelines or request that certain information be updated or included.

# 1 Definitions

## 1.1 The National Heritage List

Australia's National Heritage List comprises exceptional natural and cultural places that contribute to Australia's national identity. The National Heritage List defines the critical moments in our development as a nation and reflects achievements, joys and sorrows in the lives of Australians. It also encompasses those places that reveal the richness of Australia's extraordinarily diverse natural heritage.

Once a National Heritage place is listed under the EPBC Act, requirements come into force to ensure that the National Heritage values of the place will be protected and conserved for future generations.

More information on [the National Heritage List](#) can be found on the department's website.

## 1.2 Defining an action

An action is defined in Section 523 of the EPBC Act as a project, a development, an undertaking, an activity or series of activities, or an alteration of any of these things. Actions include, but are not limited to: construction, expansion, alteration or demolition of buildings, structures, infrastructure or facilities; industrial processes; earthworks; and vegetation clearance.

An action may have beneficial and adverse impacts on the environment. However only adverse impacts on matters of national environmental significance are relevant at the initial referral stage when determining whether approval is required under the EPBC Act.

## 1.3 Defining a significant impact

The Department of Agriculture, Water and the Environment's Significant Impact Guidelines 1.1 state that a 'significant impact' on a place's stated significance and values is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts. All of these factors should be considered when determining whether an action is likely to have a significant impact on matters of national environmental significance, including the National Heritage values of a National Heritage place.

The Significant Impact Guidelines provide specific advice for potential impacts on heritage places. The Guidelines state that an action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or a possibility that it will cause:

- one or more of the National Heritage values to be lost
- one or more of the National Heritage values to be degraded or damaged, or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

To have a significant impact on National Heritage values, it is not necessary for an action to impact upon the whole of a National Heritage place, all of the values of a National Heritage place, or a whole value of a National Heritage place. It is sufficient if an action is likely to have a significant impact on a part, element, or feature of a National Heritage place which embodies, manifests, shows, or contributes to the values of that place.

## 2 Governors' Domain and Civic Precinct

### 2.1 National Heritage values summary

The Governors' Domain and Civic Precinct was officially included in the National Heritage List on the 12 February 2021, to celebrate the national importance of the Precinct's role in historic processes which shaped Australia's civic institutions, democratic progress and the physical character of our cities.

The Governors' Domain and Civic Precinct is listed as having National Heritage value under criteria (a), (b), (c), (f) and (h). The National Heritage values are extracted and summarised below. The [official National Heritage values statement](#) is accessible on the Federal Register of Legislative Instruments.

Note: The boundary of the Governors' Domain and Civic Precinct also includes other listed heritage places within it which are individually included on the National Heritage List or NSW Heritage Register. Listing on the NSW Heritage Register means that the place or object is legally protected under the State's Heritage Act 1977 (NSW). Any works or development likely to impact on the heritage significance of the listed place or object is also subject to approval from the NSW Heritage Council or its delegate.

The listing of the Governors' Domain and Civic Precinct does not exempt a person proposing to take an action from their responsibilities under the EPBC Act to consider potential impacts relevant to these individual heritage places.

The boundary map of the place is included at Appendix A. The key buildings and public areas included in the National Heritage values statement are listed in Table 1.

**Table 1 Buildings and areas included in the National Heritage values**

<b>BUILDINGS</b>
Hyde Park Barracks
St James Church
St Mary's Cathedral
NSW Parliament House
The Mint
Sydney Hospital (including Nightingale Wing)
The State Library of NSW
The Australian Museum
NSW Government House
First Government House (site of)
The Conservatorium of Music (former Macquarie Stables)
Sydney Grammar School
Registrar General's Office (Land Titles Office)
Department of Lands Building
Department of Education Building
Chief Secretary's Building (including 50 Phillip Street)
Royal Australian Historical Society (terrace house)
Treasury Building (now Intercontinental Hotel)
Royal Australasian College of Physicians Building (terrace house)
Supreme Court of NSW complex
<b>AREAS</b>
Royal Botanic Garden



The Domain outer and inner
Hyde Park
Macquarie Place (including obelisk)

Below are brief summaries of the National Heritage values of the place under each of the criteria that it has been recognised for. The complete official values statement can be found at Appendix B or in the gazette notice online at the [Federal Register of Legislation](#).

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

The place has outstanding value to the nation under criterion (a) because of the significant events and processes that are associated with it including: Early relations between Aboriginal people and settlers; early Governance; the Founding of civic institutions and emerging civic space; and Town Planning (the urban form of Australia's cities is derived from the early period of Sydney's development as a town). The values under each of these themes are expressed by varying aspects of the place or the place as a whole.

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

The place has outstanding significance to the nation under criterion (b) as an area with substantial potential to reveal and provide rare physical evidence of the natural, pre-European and Aboriginal environment, and the built form and material culture associated with the first permanent European settlement in Australia. This value is expressed by the known archaeological fabric of the precinct which is situated in various sites and are detailed in the official values.

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

The place has outstanding significance under criterion (c) because it contains a suite of archaeological resources with important research potential. This assemblage and its ability to yield relevant information are important in a national context because of the insights that the archaeological record can provide into modern Australia's colonial beginnings that are unavailable from other research resources. Specific features expressing this value are detailed in the official values. The total archaeological resource provides a unique physical record of several historical themes identified under this criterion.



**Criterion (f) The place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period**

The place has outstanding significance under criterion (f) because it demonstrates the combined technical and creative achievements of Governors Phillip, Bligh and Macquarie in establishing a core civic precinct within the early Sydney Colony in the period 1788 -1821. The features of particular importance in relation to the buildings, streets and open spaces specified include but are not limited to their collective ability to provide a portrait of the core civic and parliamentary precinct developed and inspired by the early colonial governors in Sydney. Features and buildings are detailed in the official values. The place is also outstanding to the nation as it is comprised of a series of designed landscapes which substantially represent their spatial form established from 1792 to 1826; it is an integrated cultural landscape of aesthetic significance with outstanding scenic qualities. Features and patterns that express this value are detailed in the official values.

**Criterion (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 place has outstanding significance under criterion (h) for its association to significant people. The features of particular importance in relation to the associations described in the official values include but are not limited to those aspects of place that register and inform the history of the lives of: Bennelong; Governors Phillip, Bligh and Macquarie; Elizabeth Macquarie; and Francis Greenway. Aspects and features expressing these associations and values are detailed in the official values. Interiors are not included in this thematic listing.

### **3 Potential significant impacts**

The department has provided the following examples of possible actions and their likelihood of resulting in a significant impact to the National Heritage values of the Governors' Domain and Civic Precinct. This list, however, is in no way exhaustive and should be used as a guide only. Any comments, suggestions or requests for clarification regarding these examples can be directed to the department by emailing the heritage mailbox [heritage@awe.gov.au](mailto:heritage@awe.gov.au).

The tables that follow do not take into account any mitigation measures that might be undertaken to potentially lower significant impacts.

The department can provide assistance in ensuring an action complies with the EPBC Act, especially when contacted early in the planning process. The department can be contacted by emailing [epbc.referrals@environment.gov.au](mailto:epbc.referrals@environment.gov.au) or by phone: 1800 803 772.

It should be noted that there is a bilateral agreement between the Commonwealth of Australia and the State of New South Wales relating to environmental assessment (the assessment bilateral agreement). The agreement allows the Australian Government Minister for the Environment to rely on specified environmental impact assessment processes of the State of

New South Wales in assessing actions under the EPBC Act. In practice, this means that some proposals that are referred for assessment and approval under the EPBC Act, may be assessed by the NSW Government.

### 3.1 General principles

A number of general principles can be applied when considering whether a proposed action has, will have or is likely to have a significant impact on the National Heritage values of the Governors' Domain and Civic Precinct.

Listing is not designed to 'freeze the place in time', but rather protect and promote the heritage values of the Governors' Domain and Civic Precinct so they can be managed while the place continues to function and evolve. Listed places can continue to be used, maintained, be sold or leased.

Actions completed prior to inclusion of the Governors' Domain and Civic Precinct on the National Heritage List that may have otherwise resulted in a significant impact, are not required to obtain retrospective approval under the EPBC Act. Further information on the [effect of National Heritage listing events on prior actions](#) can be found online.

Not all features within the Governors' Domain and Civic Precinct National Heritage place boundary have National Heritage significance that is protected under the EPBC Act. Unlike some other heritage places, the Governors' Domain and Civic Precinct listing is not a blanket listing. Instead, the National Heritage significance is expressed only in places identified in the National Heritage values. These values do not occur evenly throughout the place. In some areas there may be multiple values to consider and in others only a single value. Some areas are not affected at all. Property owned by the NSW Government will only have protected National Heritage value under this listing if the property in question has a feature or association relevant to the Governors' Domain and Civic Precinct National Heritage values statement. With the exception of archaeological remnant sites identified in the values statement interiors of buildings are not included in the National Heritage values.

Two sites within the boundary of the Governors' Domain and Civic Precinct are listed individually on the National Heritage List: the First Government House Site, and Hyde Park Barracks. Hyde Park Barracks is also included in the Australian Convict Sites World Heritage listing. Any proposed action within these sites need to consider the values statement of both their individual National and/or World Heritage listings and the Governors' Domain and Civic Precinct listing.

Many individual places within the Precinct are already registered at a State and local level. Any proposed action needs to consider the heritage values of these places at a State and local level. The National Heritage listing works to recognise these individual places as part of a wider national story and this wider recognition provides a new opportunity to recognise the links these places have and create a new appreciation of this outstanding historic precinct as a whole.

An important exception to the examples above is the possibility of significant cumulative impacts. An action which will take place in an area that is already developed, or which is consistent with existing land-use, may nevertheless have a significant impact on the environment if cumulative impacts are increased to unacceptable levels.

Given the high-level, thematic approach to the values statement, the National Heritage Listing is not expected to significantly change management requirements for owners and occupiers.

The following tables provide examples of the potential significant impacts of activities on the National Heritage values of Governors' Domain and Civic Precinct, against each of the National Heritage criteria.

### 3.2 Potential significant impacts on criterion (a)

ACTIVITY	COMMENTS	IMPACT
<b>Changes to interior of historic heritage buildings identified in the National Heritage values statement</b>	Interiors of historic heritage buildings are not included in the National Heritage values statement.	<b>Not Likely</b>
<b>A high degree of modifications to external architectural form of key historic buildings identified in the National Heritage values statement</b>	<p>External architectural form of individual buildings identified in the National Heritage values statement at criterion (a) are significant for their ability to enable the recognition and location of Australia's democratic development and Macquarie's building program.</p> <p>Impact assessments should focus on the buildings' collective ability to provide a legible pattern of urban form derived from the early period of Sydney's development as a town.</p>	<b>Likely</b>
<b>Temporary or minor additions to buildings or areas included in the National Heritage values statement that reduce the recognition or appreciation of the values.</b>	For example, art installations and maintenance structures such as scaffolding are not considered likely to have a significant impact provided the intensity, duration and extent of potential impacts are not significant. If one, or more, of these factors are found to be significant these activities might be considered to have a significant impact.	<b>Possible</b>
<b>Activities associated with minor to moderate building or road maintenance.</b>	Not considered to have a likely significant impact if all matters relating to intensity, duration and extent are not significant. If one, or more, of these factors are found to be significant these activities might be considered to have a significant impact.	<b>Possible</b>

<b>Adaptive re-use of historic heritage buildings individually identified in the National Heritage values statement (where building exteriors are not modified to a significant degree)</b>	Not considered to have a likely significant impact because of matters relating to intensity, duration and extent.	<b>Not Likely</b>
<b>Demolition of a building identified in the National Heritage values statement</b>	<p>Individual buildings identified in the National Heritage values statement are significant under criterion (a) and (f) for their ability to provide a portrait of the core civic and parliamentary precinct developed and inspired by the early colonial governors in Sydney.</p> <p>Demolition of interiors would not impact on the National Heritage values. Loss of historic building exterior facades and elevation detail of specifically identified buildings would impact on the National Heritage values.</p>	<b>Likely</b>
<b>Development that encroaches on the footprint of the First Government House site.</b>	<p>The site of the First Government House is noted as significant in the National Heritage values statement under criterion (a), (b), (c) and (h).</p> <p>Impact assessment is likely to focus on the recognition and respect of the footprint of First Government House within the surrounding urban environment and protection of in-situ archaeological deposits.</p> <p>First Government House is also individually included on the National Heritage List with separate National Heritage values that would need to be considered.</p>	<b>Likely</b>
<b>Modifications to the existing NSW Art Gallery building.</b>	<p>The NSW Art Gallery is not included in the National Heritage values statement.</p> <p>However, if ground excavation is required within the wider Domain area, this may be considered a significant impact.</p>	<b>Possible</b>

	Impact assessment would likely focus on retention of archaeological fabric in any proposal that involved excavation work.	
<b>Activities that reduce the recognition or use of the Domain as a place for public protest and debate.</b>	<p>The Domain as a place for public protest and debate is indicated as a feature of significance under criterion (a).</p> <p>Actions that are likely to impact on the Domain as a place for public protest and debate would include, for example, developments that impact Speaker's Corner within the Domain or permanently* restricting public access to these spaces.</p> <p>*Temporary structures associated with outdoor events such as fencing, marquees, and stages are not likely to impact on features of significance under criterion (a), provided all matters relating to intensity, duration and extent are not significant.</p>	<b>Likely</b>
<b>Major alterations or additions to the NSW Parliament and Mint buildings that significantly reduce the appreciation and understanding of the original elements of these buildings that formed the Rum Hospital.</b>	<p>The Rum Hospital's legibility within the exterior architectural form of the NSW Parliament and the Mint is noted as significant in the National Heritage values statement under criterion (a) and (h).</p> <p>Impact assessment is likely to focus on the recognition and respect of the footprint and external architectural form of the original Rum Hospital and its ability to be understood in its historical context.</p>	<b>Likely</b>
<b>Alterations to the Herbarium collection.</b>	The Herbarium collection is not included in the National Heritage value statement.	<b>Not Likely</b>
<b>Minor to moderate new garden construction or minor removal and replacement of trees in gardens and parks identified in the National Heritage values statement.</b>	Minor to moderate degrees of change to these parks or garden features is generally within acceptable levels of change.	<b>Not Likely</b>

<b>Demolition of, or a high degree of development encroachment on, a garden or park identified in the National Heritage values statement.</b>	<p>The continued use of the open spaces as open space is identified in the National Heritage values statement as significant under criterion (a), (f) and (h) for retaining an on-going distinctive urban experience within the city of Sydney.</p> <p>Impact assessment is likely to focus on cumulative impact and the ability to read the distinction between urban space and green space within the precinct.</p>	<b>Likely</b>
<b>Light rail construction along Macquarie or Bridge Street.</b>	<p>Macquarie Street and Bridge Street with their historic buildings are indicated as features of significance under criterion (a) and (f).</p> <p>Any future light rail construction is assumed to be such that road re-alignment or significant changes to adjacent historic buildings is not required.</p> <p>If road re-alignment or significant changes to adjacent historic buildings is required, this would be considered a significant impact.</p>	<b>Possible</b>

### 3.3 Potential significant impacts on criterion (b)

<b>ACTIVITY</b>	<b>COMMENTS</b>	<b>IMPACT</b>
<b>Activities such as new buildings or additions to existing buildings that require excavation or major groundworks outside of the individually identified areas in the National Heritage values statement for criterion (b)</b>	Development and groundwork activities outside of the individually identified areas within the listing boundary would not be considered likely to have a significant impact.	<b>Not Likely</b>
<b>Activities such as new buildings or additions to existing buildings that require excavation or major groundworks within the areas of:</b>	The known archaeological fabric of the Precinct is identified as significant in the National Heritage values statement under criterion (b) and (c).	<b>Possible</b>

<ul style="list-style-type: none"> <li>- The Conservatorium of Music</li> <li>- Hyde Park Barracks</li> <li>- Rum Hospital and the Mint</li> <li>- complex</li> <li>- The Domain</li> <li>- Royal Botanic Gardens</li> </ul>	Impact assessment would likely focus on retention of archaeological fabric in any proposal that involved excavation work.	
<b>Development that encroaches on the footprint of the First Government House site</b>	<p>The site of the First Government House is noted as significant in the National Heritage values statement under criterion (a), (b), (c) and (h). The continued recognition and respect of the footprint of First Government House within the surrounding urban environment and protection of in-situ archaeological deposits is of key importance.</p> <p>First Government House is also individually included on the National Heritage List with separate National Heritage values.</p>	<b>Likely</b>
<b>Modifications to the existing NSW Art Gallery building</b>	<p>The NSW Art Gallery is not included in the National Heritage values statement.</p> <p>However, if ground excavation is required within the wider Domain area, this may be considered a significant impact.</p> <p>Impact assessment would likely focus on retention of archaeological fabric in any proposal that involved excavation work.</p>	<b>Possible</b>

### 3.4 Potential significant impacts on criterion (c)

ACTIVITY	COMMENTS	IMPACT
<b>Activities such as new buildings or additions to existing buildings that require excavation or major groundworks outside of the individually</b>	Development and groundwork activities occurring outside of the individually identified areas of importance, as stated within the National Heritage values, would not be considered likely to have a significant impact.	<b>Not Likely</b>



<b>identified areas in the National Heritage values statement for criterion (b)</b>		
<b>Activities such as new buildings or additions to existing buildings that require excavation or major groundworks within the areas of:</b> <ul style="list-style-type: none"> <li>- The Domain</li> <li>- Royal Botanic Gardens</li> <li>- Macquarie Place</li> </ul>	<p>The Domain, Royal Botanic Gardens and Macquarie place are identified under criterion (c) as having significant potential to contain material evidence of use and occupation by the Cadigal people. Similarly, Macquarie Place and sections of the Domain are also noted for their potential to reveal intact soil profiles, fossilized pollen, and other ecological evidence of Sydney's environment at the time of colonisation.</p> <p>Impact assessment would likely focus on retention of archaeological fabric in any proposal that involved excavation work.</p>	<b>Possible</b>
<b>Activities such as new buildings or additions to existing buildings that require excavation or major groundworks within the areas of:</b> <ul style="list-style-type: none"> <li>- The Conservatorium of Music</li> <li>- Hyde Park Barracks</li> <li>- Rum Hospital and the Mint</li> <li>- complex</li> <li>- The Domain</li> <li>- Royal Botanic Gardens</li> </ul>	<p>The known archaeological fabric of the Precinct is identified as significant in the National Heritage values statement under criterion (b) and (c).</p> <p>Impact assessment would likely focus on retention of archaeological fabric in any proposal that involved excavation work.</p>	<b>Possible</b>
<b>Development that encroaches on the footprint of the First Government House site</b>	<p>The site of the First Government House is noted as significant in the National Heritage values statement under criterion (a), (b), (c) and (h). The continued recognition and respect of the footprint of First Government House within the surrounding urban environment and protection of in-situ archaeological deposits is of key importance.</p>	<b>Likely</b>

	First Government House is also individually included on the National Heritage List with separate National Heritage values.	
<b>Modifications to the existing NSW Art Gallery building</b>	<p>The NSW Art Gallery is not included in the National Heritage values statement.</p> <p>However, if ground excavation is required within the wider Domain area, this may be considered a significant impact.</p> <p>Impact assessment would likely focus on retention of archaeological fabric in any proposal that involved excavation work.</p>	<b>Possible</b>

### 3.5 Potential significant impacts on criterion (f)

ACTIVITY	COMMENTS	IMPACT
<b>Light rail construction along Macquarie or Bridge Street</b>	<p>Macquarie Street and Bridge Street with their historic buildings are indicated as features of significance under criterion (a) and (f).</p> <p>Any future light rail construction is assumed to be such that road re-alignment is not required nor significant changes to adjacent historic buildings.</p> <p>If road re-alignment or significant changes to adjacent historic buildings is required, this would be considered a significant impact.</p>	<b>Possible</b>
<b>Significant changes to the interconnected layout of roads identified in the National Heritage values statement</b>	<p>The interconnected layout of roads identified in the National Heritage values statement are significant under criterion (f) for their ability to provide a portrait of the core civic and parliamentary precinct developed and inspired by the early colonial governors in Sydney.</p> <p>Impact assessment is likely to focus on matters relating to intensity, duration and extent.</p>	<b>Likely</b>
<b>Demolition of a building identified in the National Heritage values statement</b>	Individual buildings identified in the National Heritage values statement are significant under criterion (a) and (f) for their ability to provide a portrait of the core civic and	<b>Likely</b>

	<p>parliamentary precinct developed and inspired by the early colonial governors in Sydney.</p> <p>Demolition of interiors is not a matter of interest. Loss of historic building exterior facades and elevation detail is a matter of interest.</p>	
<b>Minor to moderate new garden construction or minor removal and replacement of trees in gardens and parks identified in the National Heritage values statement</b>	Minor to moderate degrees of change to these parks or garden features is generally within acceptable levels of change.	<b>Not Likely</b>
<b>Demolition of, or a high degree of development encroachment on, a garden or park identified in the National Heritage values statement</b>	<p>The continued use of the open spaces as open space is identified in the National Heritage values statement as significant under criterion (a), (f) and (h) for retaining an on-going distinctive urban experience within the city of Sydney.</p> <p>Impact assessment is likely to focus on cumulative impact and the ability to read the distinction between urban space and green space within the precinct.</p>	<b>Likely</b>
<b>Development that reduces the axial lines through Hyde Park and along Macquarie and Bridge Streets</b>	The axial lines identified in the National Heritage values Statement are significant as a unifying element in a city which lacks regular rigid geometry.	<b>Likely</b>
<b>Development that reduces the Picturesque and Gardenesque qualities within the Domain and Royal Botanic Gardens, including:</b> <ul style="list-style-type: none"> <li>- Mrs Macquarie's Road</li> <li>- Mrs Macquarie's Point</li> <li>- Fleet Steps</li> </ul>	<p>The Picturesque and Gardenesque qualities of the Domain and Royal Botanic Gardens are identified as significant under criterion (f) as an example of very high creative and technical achievement.</p> <p>Minor modifications and ongoing garden maintenance are unlikely to result in significant impacts. Major modifications such as removal or realignment of winding paths and realignment of planting layouts are likely to result in significant impacts.</p>	<b>Likely</b>

<ul style="list-style-type: none"> <li>- Farm Cove</li> <li>- Lower Gardens</li> <li>- Victoria Lodge</li> <li>- Lion Gate Lodge</li> <li>- Cunningham Building</li> <li>- Rathborne Lodge</li> </ul>	Impact assessment is likely to focus on matters relating to intensity, duration and extent.	
<b>Activities that temporarily reduce the gardenesque qualities of the Royal Botanic Garden area as described in the National Heritage values statement</b>	Temporary structures associated with outdoor events such as fencing, marquees, and stages are not likely to impact on features of significance under criterion (a), provided all matters relating to intensity, duration and extent are not significant.	<b>Possible</b>

### 3.6 Potential significant Impacts on criterion (h)

ACTIVITY	COMMENTS	IMPACT
<b>Demolition of a building identified in the National Heritage values statement</b>	<p>Individual buildings identified in the National Heritage values statement are significant under criterion (a) and (f) for their ability to provide a portrait of the core civic and parliamentary precinct developed and inspired by the early colonial governors in Sydney.</p> <p>Demolition of interiors is not a matter of interest. Loss of historic building exterior facades and elevation detail is a matter of interest.</p>	<b>Likely</b>
<b>Minor to moderate new garden construction or minor removal and replacement of trees in gardens and parks identified in the National Heritage values statement</b>	Minor to moderate degrees of change to these parks or garden features is generally within acceptable levels of change.	<b>Not Likely</b>
<b>Demolition of, or a high degree of development encroachment on, a garden or park identified in the</b>	The continued use of the open spaces as open space is identified in the National Heritage values statement as significant under criterion (a), (f) and (h) for retaining an on-	<b>Likely</b>

<b>National Heritage values statement</b>	<p>going distinctive urban experience within the city of Sydney.</p> <p>Impact assessment is likely to focus on cumulative impact and the ability to read the distinction between urban space and green space within the precinct.</p>	
<b>Major alterations or additions to the NSW Parliament and Mint buildings that significantly reduce the appreciation and understanding of the original elements of these buildings that formed the Rum Hospital</b>	<p>The Rum Hospital's legibility with the exterior architectural form of the NSW Parliament and the Mint is noted as significant in the National Heritage values statement under criterion (a) and (h).</p> <p>Impact assessment is likely to focus on the recognition and respect of the footprint and external architectural form of the original Rum Hospital and its ability to be understood in its historical context.</p>	<b>Likely</b>
<b>Demolition or removal of Macquarie Place Obelisk</b>	<p>The Macquarie Place Obelisk is identified as significant under criterion (f) for its ability to show Frances Greenway's architectural achievements and contribution to the design of the urban fabric of colonial Sydney.</p> <p>Impact assessment is likely to focus on the continued ability to interpret Frances Greenway's architectural achievements and contribution to the design of the urban fabric of colonial Sydney.</p>	<b>Likely</b>

## 4 Next Steps

### 4.1 Self assessment

In order to determine whether an action is likely to have a significant impact on the National Heritage values of the Governors' Domain and Civic Precinct, persons proposing to take an action must undertake a self-assessment of whether the action is likely to have such an impact. A self-assessment must also determine if an action will have an impact on any other matters of national environmental significance, not just the National Heritage values of a National Heritage place. It is the proponent's responsibility to make an accurate assessment on referral to ensure compliance with obligations under the EPBC Act.

The action should be thought of in its broadest scope when considering its impact. All potential adverse impacts on the place's National Heritage values must be taken into account. If the action consists of a number of parts, the impact from each part and the cumulative impact of these need to be considered. Impacts can occur at any stage of the action, including site preparation, construction, ongoing operation, decommissioning and any related actions. Impacts can be onsite or offsite, and direct or indirect.

The self-assessment should be objective and based on sufficient information. The self-assessment process should:

- Consult the official National Heritage values to ensure the proposal is consistent with the values;
- Consult the National Heritage Management Principles, as stated in Schedule 5B of the Environment Protection and Biodiversity Conservation Regulations 2000 (Cth) to be consistent with them;
- Consult the relevant management plan, if there is one, to ensure the proposal is consistent with the management recommendations and/or conservation policies;
- Consult with relevant and suitably experienced heritage professionals where their advice is required to adequately understand National Heritage values and potential impacts against them;
- Look at all possible alternatives to the action or proposal, with a preference for selecting an action that does not, or is not likely to, significantly impact on heritage values;
- Look at any possible subsequent effects the action may have on other matters of national environmental significance;
- Undertake measures which mitigate the impact on National Heritage values; and
- Refer actions that may have a significant impact.

The self-assessment should present a clear and concise conclusion on whether or not the proposal is likely to have a significant impact on the National Heritage values of the National Heritage place. The person proposing to take the action should make the decision as to whether or not to refer an action to the Minister. This information should be compiled as supporting information for the proposed action for a referral if one is to be lodged with the department. If the self-assessment concludes the action does not warrant referral, records of the self-assessment and its conclusion should be kept.

## **4.2 Pre-referral meetings**

The department can provide assistance in ensuring an action complies with the EPBC Act, especially when contacted early in the planning process. The department can be contacted by emailing [epbc.referrals@environment.gov.au](mailto:epbc.referrals@environment.gov.au) or by phone: 1800 803 772.

If after conducting a self-assessment there is uncertainty about a proposed action's impact on the National Heritage values of the Governors' Domain and Civic Precinct and whether a referral is required, a pre-referral meeting with the department might be useful. Further information on [setting up a pre-referral meeting](#) can be found on the Department's website.

### 4.3 Making a referral

If after undertaking a self-assessment there is still uncertainty about whether the proposed action is likely to have a significant impact, or legal certainty is required, a referral should be made to the Minister for the Environment. The outcome of a self-assessment cannot be used to pre-empt a formal decision under the EPBC Act if a referral is necessary. Substantial penalties apply for taking an action that has, will have or is likely to have a significant impact on a matter of national environmental significance without approval.

After receiving a referral, the Minister will decide whether the action is likely to have a significant impact on a matter of national environmental significance:

- if the Minister decides that the action is likely to have a significant impact on a matter of national environmental significance, then the action requires approval under the EPBC Act (it is a controlled action)
- if the Minister decides that the action is not likely to have a significant impact on a matter of national environmental significance, then the action does not require approval under the EPBC Act (it is a not controlled action).

The Minister may also decide that an action is not likely to have a significant impact on a matter of national environmental significance, and does not require approval under the EPBC Act, because it will be taken in a 'particular manner'. However, the action must be undertaken in a way that is consistent with the manner specified in this decision, or penalties apply. Further information on [submitting a referral](#) is available on the department's website.

## 5 Resources and further information

[\*\*\*The Environment Protection and Biodiversity Conservation Act\*\*\*](#) (the EPBC Act) is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the EPBC Act as matters of national environmental significance. Further [information on the EPBC Act](#) can be found on the department's website. The department's [database of referrals](#) can also provide useful information on previous referrals, including those with a heritage focus.

[\*\*\*Significant Impact Guidelines 1.1\*\*\*](#) provide overarching guidance on determining whether an action is likely to have a significant impact on a matter protected under the EPBC Act, including national heritage places.

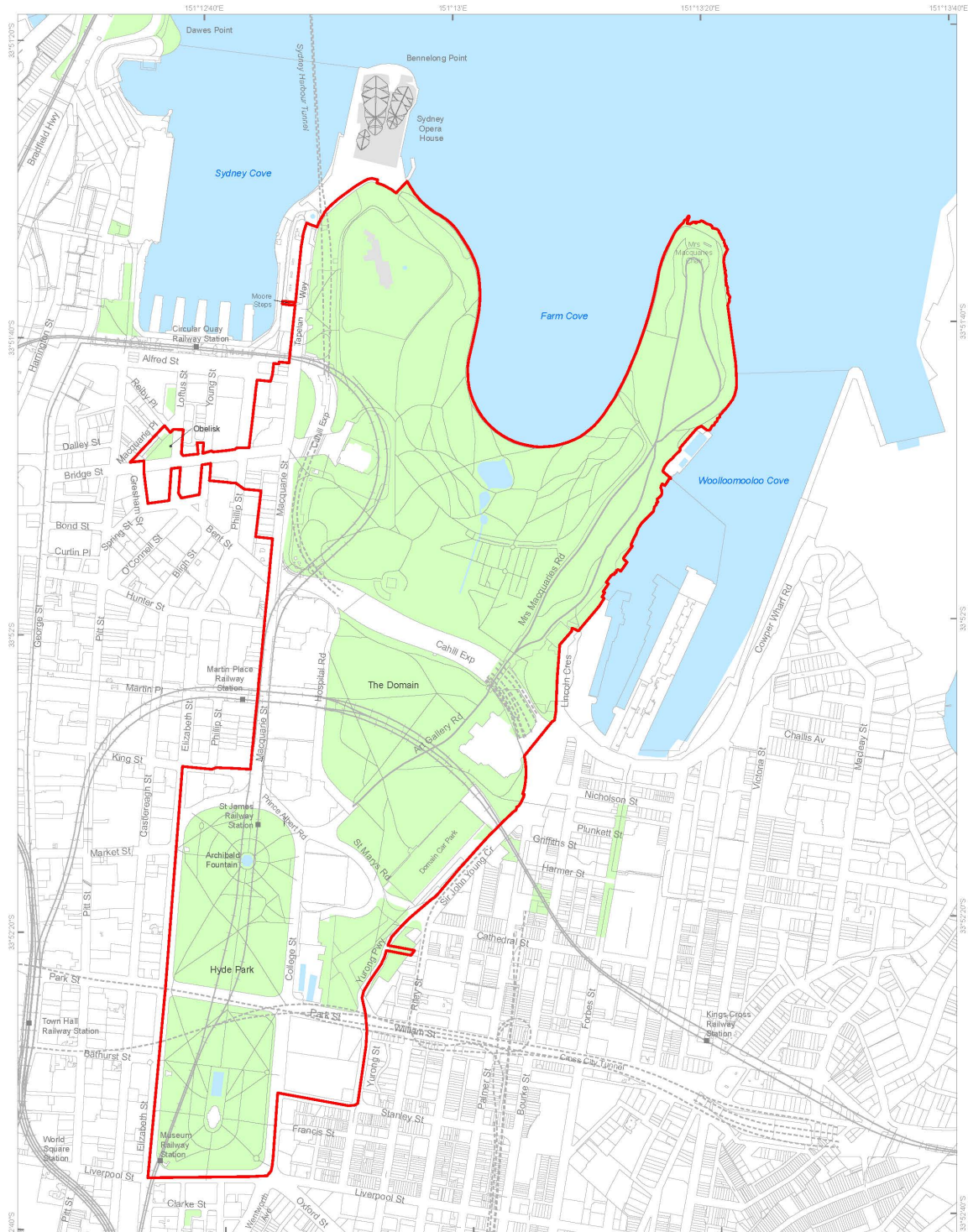


*Working Together: Managing National Heritage Places* provides guidance on matters relating to managing National Heritage places, such as heritage management principles, developing management plans, and making a referral.

*Engage Early: Indigenous Engagement Guidelines* aim to improve how proponents engage and consult Indigenous peoples during the environmental assessment process under the EPBC Act. It provides guidance to project proponents on when Indigenous communities should be consulted and sets out the department's expectations on how Indigenous engagement should occur.

*The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance & Practice Notes* is widely recognised as the standard for heritage conservation best practice in Australia. It defines basic principles and procedures for the conservation of important places. While it is not a Commonwealth statutory document, the Burra Charter is a key reference for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

# **Appendix A**



## Governors' Domain and Civic Precinct

### National Heritage List

Place ID: 106103

- Listed place
- Tunnel
- Land parcel
- Railway

0 200 400m  
Scale 1:7,000 (A3 Size)  
Data Sources: National Heritage List Spatial Database  
© Commonwealth of Australia 2021  
New South Wales Cadastre - (Cad.Lite) © PSMA 2020.  
Produced by: Geospatial & Information Analytics Branch, Canberra.  
Datum: GDA84 Zone 56, Date: 9/02/2021



**Australian Government**  
Department of Agriculture,  
Water and the Environment



## **Appendix B**

# Governors' Domain and Civic Precinct: official boundary and National Heritage values

Below is an extract from the official gazette for the inclusion of the place in the National Heritage List. This gazette is available on the [Federal Register of Legislation](#).

## NEW SOUTH WALES

### Sydney

#### BOUNDARY

Approximately 118ha, Macquarie Street, Sydney, comprising the area bounded by a line commencing at the intersection of the road centreline of Elizabeth Street with the road centreline of Liverpool Street (approximately MGA point Zone 56 334398mE 6250055mN), then easterly via the road centreline of Liverpool Street to its intersection with the road centreline of College Street (approximate MGA point 334645mE 6250059mN), then northerly via the road centreline of College Street to its intersection with the road centreline of Stanley Street (approximate MGA point 334667mE 6250231mN), then easterly via the road centreline of Stanley Street to its intersection with the road centreline of Yurong Street (approximate MGA point 334833mE 6250209mN), then northerly via the road centreline of Yurong Street to its intersection with the southern road reserve boundary of William Street (approximate MGA point 334852mE 6250361mN), then northerly directly to the intersection of the northern road reserve boundary of William Street with the road centreline of Boomerang Place (approximate MGA point 334849mE 6250396mN), then northerly via the road centreline of Boomerang Place to its intersection with the road centreline of the Yurong Parkway (approximate MGA point 334860mE 6250466mN), then north easterly via the road centreline of the Yurong Parkway to its intersection with MGA northing 6250526mN (approximate MGA point 334892mE 6250526mN), then via the following MGA points consecutively: 334943mE 6250516mN, 334950mE 6250526mN, then westerly directly to the intersection of the road centreline of the Yurong Parkway with MGA northing 6250537mN (approximate MGA point 334895mE 6250537mN), then north easterly via the road centreline of the Yurong Parkway to its intersection with MGA northing 6250595mN (approximate MGA point 334942mE 6250595mN), then north easterly directly to the intersection of the south eastern boundary of Lot 1011 DP1199151 with MGA northing 6250633mN (approximate MGA point 334987mE 6250633mN), then north easterly via the south eastern boundary of Lot 1011 DP1199151 to its intersection with the south eastern boundary of Lot 1 DP605125 (approximate MGA point 335114mE 6250773mN), then north easterly via the south eastern boundary of Lot 1 DP605125 to its intersection with the south eastern boundary of Lot 1013 DP1199151 (approximate MGA point 335131mE 6250790mN), then north easterly and northerly via the south eastern and eastern boundaries of Lot 1013 DP1199151 to the intersection with the most easterly point of Lot 102 DP854472 (approximate MGA point 335178mE 6250929mN), then north easterly directly to the intersection of the south eastern boundary of Lot 34 DP39586 with MGA northing 6251000mN

(approximate MGA point 335236mE 6251000mN), then north easterly and northerly via the south eastern and eastern boundaries of Lot 34 DP39586 to the intersection with the eastern boundary of Lot 100 DP129570 (approximate MGA point 335251mE 6251154mN), then northerly and north easterly via the eastern and south eastern boundaries of Lot 100 DP129570 to the intersection with the eastern boundary of Lot 34 DP39586 (approximate MGA point 335276mE 6251188mN), then northerly via the eastern boundary of Lot 34 DP39586 to its intersection with the southern boundary of Lot 51 DP47732 (approximate MGA point 335277mE 6251194mN), then south easterly via the southern boundary of Lot 51 DP47732 to its intersection with the southern boundary of Lot 35 DP39586 (approximate MGA point 335284mE 6251192mN), then south easterly and north easterly via the southern and south eastern boundaries of Lot 35 DP39586 to its intersection with the western boundary of Lot 9 DP1007565 (approximate MGA point 335344mE 6251256mN), then north westerly and generally north easterly via the western boundary of Lot 9 DP1007565 to its intersection with the eastern boundary of Lot 34 DP39586 (approximate MGA point 335400mE 6251367mN), then generally north easterly, northerly and generally westerly via the eastern and northern boundaries of Lot 34 DP39586 to the intersection with

the seawall of the harbour shoreline on the eastern side of Farm Cove (approximate MGA point 335507mE 6252034mN), then south westerly, westerly and generally north westerly via the seawall to its intersection with the eastern boundary of Lot 5 DP775888 (approximate MGA point 334935mE 6252121mN), then south westerly and north westerly via the eastern and southern boundaries of Lot 5 DP775888 to the intersection with the eastern boundary of Lot 10 DP779599 (approximate MGA point 334872mE 6252118mN), then northerly, westerly and south westerly via the eastern, northern and western boundaries of Lot 10 DP779599 to the intersection with the most southerly point of Lot 1 DP779560 (approximate MGA point 334749mE 6252026mN), then westerly directly to the north eastern corner of Lot 87 DP884310 (approximate MGA point 334739mE 6252030mN), then westerly and southerly via the northern and western boundaries of Lot 87 DP884310 to the intersection with the southern boundary of Lot 24 DP883520 (approximate MGA point 334703mE 6251870mN), then westerly via the southern boundary of Lot 24 DP883520 and westerly via its western alignment to the intersection with the eastern boundary of Lot 4 DP848731 (approximate MGA point 334677mE 6251872mN), then southerly via the eastern boundary of Lot 4 DP848731 to its intersection with the northern boundary of Land Parcel SP58857 (approximate MGA point 334676mE 6251866mN), then easterly and southerly via the northern and eastern boundaries of Land Parcel SP58857 and southerly via the eastern boundaries of Lots 1 & 2 DP202431, Lot 1 DP1092161, and Lot 2 DP1092161 to the intersection with the northern boundary of Lot 7/106 DP758942 (approximate MGA point 33469 1mE 6251745mN), then westerly and southerly via the northern and western boundaries of Lot 7/106 DP758942 to the intersection with the northern boundary of Lot 4 DP123570 (approximate MGA point 334669mE 6251742mN), then westerly and southerly via the northern and western boundaries of Lot 4 DP123570 to the south western corner of the land parcel (approximate MGA point 334656mE 6251721mN), then southerly directly to the north eastern corner of Lot 7305 DP1166034 (approximate MGA point 334652mE 6251706mN), then westerly via the northern boundary of Lot 7305 DP1166034 to its intersection with the eastern road reserve boundary of Phillip Street (approximate MGA point 334624mE 6251709mN), then southerly via the eastern road reserve boundary of Phillip

Street to its intersection with the northern road reserve boundary of Bridge Street (approximate MGA point 334607mE 6251568mN), then westerly via the northern road reserve boundary of Bridge Street to its intersection with the eastern boundary of Land Parcel SP17759 (approximate MGA point 334511mE 6251557mN), then northerly and westerly via the eastern and northern boundaries of Land Parcel SP17759 to the intersection with the eastern boundary of Land Parcel SP57860 (approximate MGA point 334499mE 6251579mN), then southerly, westerly and north westerly via the eastern and southern boundaries of Land Parcel SP57860 to the intersection with the eastern road reserve boundary of Loftus Street (approximate MGA point 334467mE 6251556mN), then northerly via the eastern road reserve boundary of Loftus Street to its intersection with the south western corner of Lot 1 DP87960 (approximate MGA point 334471mE 6251606mN), then westerly directly to the most northerly point of Lot 1/48 DP758942 (approximate MGA point 334451mE 6251606mN), then south westerly via the north western boundary of Lot 1/48 DP758942 to its intersection with the north eastern boundary of Lot 1 DP838060 (approximate MGA point 334444mE 6251600mN), then north westerly and south westerly via the north eastern and north western boundaries of Lot 1 DP838060, south westerly via the north western boundary of Lot 7048 DP93668 and south westerly via its south western alignment to the intersection with the northern road reserve boundary of Bridge Street (approximate MGA point 334361mE 6251538mN), then easterly via the northern road reserve boundary of Bridge Street to its intersection with the most westerly point of Lot 1/48 DP758942 (approximate MGA point 334390mE 6251541mN), then southerly directly to the north western corner of Lot 1877 DP877000 (approximate MGA point 334389mE 6251518mN), then southerly, easterly and northerly via the western, southern and eastern boundaries of Lot 1877 DP877000 to the north eastern corner of the land parcel (approximate MGA point 334446mE 6251525mN), then easterly directly to the north western corner of Lot 56 DP729620 (approximate MGA point 334465mE 6251527mN), then southerly, easterly and northerly via the western, southern and eastern boundaries of Lot 56 DP729620 to the north eastern corner of the land parcel (approximate MGA point 334509mE 6251533mN), then easterly directly to the intersection of the southern road reserve boundary of Bridge Street with the eastern road reserve boundary of Young Street (approximate MGA point 334528mE 6251536mN), then southerly

via the eastern road reserve boundary of Young Street to its intersection with MGA northing 6251502mN (approximate MGA point 334526mE 6251502mN), then easterly directly to the most southerly point of Lot 101 DP834054 (approximate MGA point 334580mE 6251495mN), then south easterly directly to the south western corner of Lot 33 DP1141812 (approximate MGA point 334598mE 6251483mN), then easterly via the southern boundary of Lot 33 DP1141812 and easterly via its eastern alignment to the intersection with the road centreline of Phillip Lane (approximate MGA point 334632mE 6251480mN), then southerly via the road centreline of Phillip Lane to its intersection with the western alignment of the southern boundary of Land Parcel SP18238 (approximate MGA point 334621mE 6251384mN), then easterly via the western alignment and the southern boundary of Land Parcel SP18238 to its intersection with the western road reserve boundary of Macquarie Street (approximate MGA point 334657mE 6251380mN), then southerly via the western road reserve boundary of Macquarie Street, including crossing the road reserves of Bent Street and Hunter Street, to its intersection with the southern boundary of Lot 77 DP1109003 (approximate MGA point



334610mE 6250902mN), then westerly via the southern boundary of Lot 77 DP1109003 to the south western corner of the land parcel (approximate MGA point 334540mE 6250905mN), then westerly directly to the intersection of the road centreline of Phillip Street with the road centreline of King Street (approximate MGA point 334530mE 6250902mN), then westerly via the road centreline of King Street to its intersection with the road centreline of Elizabeth Street (approximate MGA point 334470mE 6250908mN), then southerly via the road centreline of Elizabeth Street to the commencement point.

## NATIONAL HERITAGE VALUES

**Criterion (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.**

### Early relations between Aboriginal people and settlers

For the first several decades of British settlement, Aboriginal people and colonisers lived in close proximity and there was a complicated process of negotiating and re-negotiating relations. Early journals, diaries, newspapers and art works provide important but limited information about Aboriginal people living in and visiting the area around the early penal colony centred on Sydney Cove. These sources document first encounters and developing relations between Indigenous people and the early colonisers. These historical accounts do not reflect an Aboriginal perspective but do detail a range of responses to colonisation by Aboriginal people, including examples of miscommunication and misunderstandings. Some Aboriginal people and colonisers developed personal relationships. Whilst some relationships were perceived to be mutually beneficial, there were also examples of violence and Aboriginal resistance. The Governors' Domain and Civic Precinct has an outstanding capacity to connect people to the early history of interactions between Aboriginal people and British colonisers.

This value is associated with the place as a whole.

In keeping with the thematic approach of this listing, the features of particular importance include but are not limited to the aspects of the place which can locate the history about early relations between Aboriginal people and settlers between 1788 and 1850.

### Governance

The Governors' Domain and Civic Precinct is one of Australia's premier historic city districts with strong associations with early colonial governors. Its ensemble of buildings, parks and gardens demonstrate important events in the evolving pattern of modern Australia's history of democratic development where the (Australian) people moved from subjects to constituents through a long process of transition over the nineteenth century. This transition was uneven in its treatment of women and Indigenous peoples. The emerging shift from military rule in a penal colony over the period 1788 – 1823 is particularly well demonstrated. The establishment of early Parliamentary forms of government, the establishment of the Supreme Court and aspects

of the history of suffrage in Australia is also demonstrated. These changes in governance did not give regard to traditional Indigenous systems of law.

Features expressing this value include but are not limited to the First Government House, the NSW Government House and Garden, the NSW Parliament House, the Mint, the Domain, the NSW Supreme Court complex, the NSW Colonial Secretary's Building and the NSW Treasury Building.

In keeping with the thematic approach of this listing, the features of particular importance in relation to the buildings include but are not limited to the external architectural form of these buildings enabling people to recognise and locate the history of Australia's democratic development which includes parliamentary, civic and institutional components. In relation to the First Government House the features of particular importance include but are not limited to the continued recognition and respect of the footprint of First Government House within the surrounding urban built environment. In relation to the Domain the features of particular importance include but are not limited to the continued recognition and respect of the area as a place for public protest and debate.

#### Founding civic institutions and emerging civic space

The Governors' Domain and Civic Precinct includes many features and buildings which have origins associated with the first years of the Sydney colony - Australia's first permanent

European settlement. This historic depth to the place and its legibility enables the precinct to demonstrate historical processes which were set in train from the early colonial period in the Sydney colony.

The transition of the colony from a small and isolated penal settlement to a more substantial 'free' settlement is demonstrated in the Governors' Domain and Civic Precinct. The New South Wales Parliament House is associated with the first Parliament in Australia. The efforts of early Governors to establish a Domain has had a lasting legacy reflected by the ongoing inclusion of the Domain in the city's spatial structure. Governor Macquarie's efforts to build a more expansive civic precinct centred on Macquarie Street with additional parks and social infrastructure are well demonstrated. A number of civic institutions were founded and located in this precinct area. These civic institutions informed the later development of similar civic institutions in other Australian colonies.

Macquarie Street, the Domain, Hyde Park and the Macquarie era buildings within the precinct express Macquarie's pivotal building program which encouraged a vision for the Sydney colony as a permanent settlement. Macquarie's further work to create and establish public open space is also recognised as the foundation for an emerging civic and public domain which was to endure into the twentieth century. The NSW Herbarium, established in 1853 at the Royal Botanic Garden, contains plant collections which were also significant in the projection of Australia's emerging identity internationally.

In comparison with other colonies established by other empires overseas (Portuguese for example), the Sydney colony survived and developed a foundation for future growth. A bridge-head economy was established in a way which was able to sustain a small and isolated population. The deployment and application of convict labour, free land grants, substantial

subsidies from the British Government and an early integration of agricultural production into an international system of commerce were significant factors in ensuring the colony's survival and prosperity.

Features expressing this value include but are not limited to the First Government House, the Obelisk in Macquarie Place, Macquarie Place, the Macquarie Stables, the Domain (old and new), Macquarie Street, Hyde Park Barracks, the NSW Supreme Court complex, the Mint, the remnant fabric of the Rum Hospital, the Nightingale Wing of Sydney Hospital, St James Church, St Mary's Cathedral, Hyde Park, the Australian Museum, the Sydney Grammar School, the NSW State Herbarium, the Royal Botanic Garden, the NSW State Library, the Lands Department Building, the NSW Education building, the NSW Government House and Garden, the NSW Parliament House, the NSW Colonial Secretary's Building, the NSW Treasury Building and the NSW (old) Registry Office and the Register General's Department Building (Land Titles Office).

In keeping with the thematic approach of this listing, the features of particular importance in relation to the buildings include but are not limited to the external architectural form of these buildings enabling them to provide a legible portrait of Macquarie's building program and its ongoing reinforcement by later public and state institutions which extended the colony's civic, social, cultural and government sphere. In relation to the First Government House and the Rum Hospital the features of particular importance include but are not limited to the continued recognition and respect of the footprint of First Government House within the surrounding urban environment and the continued legibility of the original Rum Hospital in the exterior architectural form of the NSW Parliament and the Mint buildings. Each element is important in demonstrating the nature of this value. In relation to the Domain, Macquarie Place, Hyde Park and the Royal Botanic Garden the foot print and continued use of these areas as parks or gardens is important. Each element is inter-dependent on the other borrowing significance from each other and each part of a greater 'whole'. Interiors and the Herbarium collection is not included in this listing.

### Town Planning

Australia's population is highly urbanised. The Australian quality of life is therefore strongly influenced by the physical structure and urban texture of our major cities. Australia's capital cities have retained elements of their founding urban layout, function and other town planning devices. Together these historic city features shape a particular form of urbanism experienced in Australia's major cities. The Governors' Domain and Civic Precinct demonstrates to a high degree the use of two town planning patterns: a pattern which pairs a Domain with a Botanic Garden; and a pattern which places buildings facing towards and next to parkland. These patterns in Australia were first deployed and consolidated in Sydney and their success facilitated their repeated use across Australia, gifting the capital cities with a rich and generous public realm.

Features expressing this value include but are not limited to First Government House, Macquarie Place, Bridge Street, the Domain (old and new), the Royal Botanic Garden,

Macquarie Street, Hyde Park and the spatial arrangement of the buildings within the precinct including but not limited to two terrace buildings facing the Domain parkland along the western

side of Macquarie Street. These terraces include History House (133 Macquarie Street) and the Royal Australasian College of Physicians Terrace House (145 Macquarie Street).

In keeping with the thematic approach of this listing, the features of particular importance in relation to the buildings, streets and open spaces specified above include but are not limited to their collective ability to provide a legible pattern of urban form which is derived from the early period of Sydney's development as a town. The continued use of the open areas as open spaces is important. The retention of park and garden boundaries (as at 2017) is also important for the purposes of retaining an on-going distinctive urban experience within the city of Sydney. The ongoing survival of a parkland outlook associated with the two terraces specified is also important. Interiors are not included in this thematic listing.

**Criterion (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**

Archaeology

The Governors' Domain and Civic Precinct is an area with substantial potential to reveal and provide rare physical evidence of the natural, pre-European and Aboriginal environment, and the built form and material culture associated with the first permanent European settlement in Australia. This high level of potential is further recognised by existing designations of parts of the precinct as archaeological zones under various state instruments.

The known archaeological fabric of the Precinct is important for its ability to reveal significant information about the early Sydney Colony and processes relating to Australia's early period of colonisation.

The site of the First Government House, the former Government Stables (now the Conservatorium of Music), Hyde Park Barracks, the former Rum Hospital, and the former Royal Sydney Mint complex all contain both structural remains and extensive in situ archaeological deposits linked directly to the early settlement of the Sydney Colony. Behind Hyde Park Barracks there is also a remnant Macquarie era wall in a lot off Riley Street, Woolloomooloo. Other remnant built structures such as the Macquarie era wall and Phillip's Ditch within the Royal Botanic Garden are also noted.

Known archaeological features of the Domain and Royal Botanic Garden are also documented in the NSW State Heritage Register reports for these areas.

Features expressing this value include the archaeological items identified above.

**Criterion (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**

Archaeology

The Governors' Domain and Civic Precinct contains a suite of archaeological resources with important research potential. This assemblage and its ability to yield relevant information are important in a national context because of the insights that the archaeological record can provide into modern Australia's colonial beginnings that are unavailable from other research resources.

The archaeological resources within the Governors' Domain and Civic Precinct span a comprehensive period from the pre-European environment, including Aboriginal occupation and use, through early settlement to the era of self-government. The extensive archaeological resource has the potential to reveal further information about the tenuous early days of the penal colony and its transition to a permanent, civil society; extending across public and private domains, the rich and poor, invaders and dispossessed, military and convicts, officials and free settlers. The physical evidence is diverse and includes information about Aboriginal occupation and use, evidence of the environment at the time of colonisation, and evidence about the planning, physical structure and evolution of the colony: the fabric of structures and buildings, a wide range of architectural, civil works and engineering endeavours spanning different design materials and timeframes, early street layouts and form, experiments with building technology using local materials, the testing of local plants and soil conditions, early industries, water reticulation and waste disposal.

The Governors' Domain and Civic Precinct contains a number of known and well-recognised, important archaeological sites. These include the First Government House Site, which offers insight about the life of the Governor, his household and major colonial events; Hyde Park Barracks, which provides an archaeological record of the institutional confinement which marked the earliest phase of Sydney's development; Macquarie Place, which has the potential to contribute to our understanding of the pre-European environment, early colonial settlement and occupation of the pre-1814 town leases in Sydney; the Mint and Parliament House, which can yield information on Sydney's first permanent hospital as well as later institutions; and the Royal Botanic Garden which was the venue for the advent of European agricultural and horticultural activities in Australia. The Garden, although modified, is also expected to contain material evidence of use and occupation by the Cadigal people (particularly where landscape modifications have conserved integrity of the pre-colonial landform). Extensive sub-surface landscape features, as well as particular sites including the remains of two windmills, are also likely to be identified within the Garden. Macquarie Place and sections of the Government Domain are also noted for their potential to reveal intact soil profiles, fossilised pollen, and other ecological evidence of Sydney's environment at the time of colonisation. These are important places with unique archaeological research potential.

The total archaeological resource within the Governors' Domain and Civic Precinct provides a highly significant and unique physical record of Aboriginal occupation, the impact of European colonisation, how the colony developed and adapted to suit local conditions, the evolving patterns of domestic life and civic administration within the colony, convictism, and the development of civic infrastructure.

Features expressing this value include the archaeological places identified above.

**Criterion (f) the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period**

Planning and Vision

The Governors' Domain and Civic Precinct demonstrates the combined technical and creative achievements of Governors Phillip, Bligh and Macquarie in establishing a core civic precinct within the early Sydney Colony in the period 1788 -1821. The street layout, buildings and open public spaces of the Governors' Domain and Civic Precinct reflect a commitment to civic planning which included a vision for the settlement beyond its function as a penal colony. Harnessing of a convict work force at a time of resource scarcity and minimal existing infrastructure is noteworthy. The continued recognition of the area by town planners as a special parliamentary and civic precinct through the twentieth century is also noted as is the continued use of Macquarie Street by the community for ceremonial parades and celebrations.

The development of Macquarie Street with its early colonial architecture, the provision of a hospital, barracks, two churches and the provision of a park and a domain largely free of private exclusions, were important milestones in the creation of this distinctive civic precinct. Later, buildings within the precinct continued to respect the inherited civic intentions for this area. This continuation of intent has gifted the City of Sydney and the Australian community with a distinctive government and civic precinct with historic roots relating to the early Sydney Colony.

Features expressing this value include:

- The interconnected layout of Macquarie Street, Bridge Street, Queens Square, Prince Albert Road,
- St James Road, portions of College Street, William Street, Park Street and King Street;
- The buildings along the ridge line and high ground on the eastern side of Macquarie Street: Hyde Park Barracks, Sydney Hospital, the Mint, Parliament House, State Library of NSW, the Conservatorium of Music and Government House;
- Buildings along the western side of Macquarie Street: Royal Australasian College of Physicians Building,

History House and the Treasury Building, Buildings along Bridge Street: Department of Lands building, Department of Education Building, the First Government House site, the Chief Secretary's Building;

- Buildings along College Street: St Mary's Cathedral including grounds and school, Australian Museum, Sydney Grammar School;
- Buildings adjacent to Hyde Park: the Sydney Supreme Court of NSW complex including the Supreme Court House, Banco Court and Old Registry Office; St James Church and the Register Generals Department Building (Land Titles Office); and
- The public open spaces of the Government Domain and the Royal Botanic Garden, Hyde Park and Macquarie Place.

In keeping with the thematic approach of this listing, the features of particular importance in relation to the buildings, streets and open spaces specified include but are not limited to their

collective ability to provide a portrait of the core civic and parliamentary precinct developed and inspired by the early colonial governors in Sydney. Each element is important in demonstrating the nature and scale of the achievement. Interiors are not included in this thematic listing.

### Public Domain and Landscape Design

Comprising a series of designed landscapes which substantially represent their spatial form established from 1792 to 1826, the Governors' Domain and Civic Precinct comprises an integrated cultural landscape of aesthetic significance with outstanding scenic qualities.

The Domain and the Royal Botanic Garden are among the earliest places in Australia where there was an intention to create a park in the English tradition. The efforts of Lachlan and Elizabeth Macquarie to formalise this park and embellish its Picturesque qualities, including the construction of the Government House stables (the Conservatorium of Music), reinforced the vision of an English park.

The layout of Macquarie Street with the largest group of Macquarie era buildings in Australia was deliberately sited to produce an impressive composition along the ridgeline. Hyde Park, Australia's earliest public park, declared by Macquarie in 1810, is further historically significant as a remarkably early planned open space in the international history of the public park movement. Macquarie Place was intended as a town square.

### The landscape of the Royal Botanic Garden and the Domain

display a high degree of technical achievement in imprinting British aesthetic ideals on the Australian landscape. Here the Macquaries, Charles Frazer, Charles Moore, JH Maiden and other Botanic Garden directors shaped the landscape according to Picturesque and Gardenesque principles, creating a landscape worthy of international botanic gardens. The Royal Botanic Garden and the Domain form a landscape which demonstrates over 200 years of landscape design, with two key British landscape practices—the Picturesque and the Gardenesque—adapted to the Australian landscape and soils, using many Australian species.

In the Royal Botanic Garden, Charles Moore's achievement in creating an outstanding example of a Gardenesque landscape on the shores and reclaimed land of Farm Cove is still clearly evident.

Features of the public open spaces of the Government Domain and the Royal Botanic Garden and Hyde Park which express the very high creative and technical achievement include landscapes and buildings designed to enhance their Picturesque and Gardenesque qualities:

- Mrs Macquarie's Road and winding paths leading along and around the point, the stables and the planned location of the new Government House;
- the natural landscape of Mrs Macquarie's Point and the views across the Royal Botanic Garden: from the Point and Fleet Steps toward the castellated turrets of the former Government stables and Government House, and from within the gardens to the towers of Victoria Lodge and the Cunningham building;
- the Gardenesque landscape on the shores and reclaimed land of Farm Cove with the path and planting layout of the Lower Gardens, in particular demonstrating Charles Moore's outstanding application of the English landscape style using many Australian trees, such as figs and araucarias;



- the collection of monuments, statues and built items which were designed and sited to enhance the scenic qualities of the gardens, including Victoria Lodge, Lion Gate Lodge, the Cunningham Building and Rathborne Lodge. The axial lines through Hyde Park and along Macquarie and Bridge Streets are a unifying element in a city which lacks regular grid geometry. The dominant ridgeline buildings of Macquarie Street and the castellated form of

Government House and the Sydney Conservatorium are a foil to the more organic character of Sydney's outstanding public landscape of the Domain and Botanic Gardens in its quintessential harbour setting. From Hyde Park to Farm Cove, this is a microcosm of exceptional aspects of Australian garden and architectural history, unique to Australia.

**Criterion (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**

In keeping with the thematic approach of this listing, the features of particular importance in relation to the associations described below include but are not limited to those aspects of place that register and inform the history of the lives of the people outlined below. Interiors are not included in this thematic listing.

### **Bennelong**

It is recognised that Governor Phillip wanted to establish and maintain friendly relations with Aboriginal people from the time of settlement. After his initial lack of success, Phillip ordered the capture of Aboriginal men, the most prominent of whom was Bennelong, a Wangal man. Bennelong's personal relationship with Phillip can be seen as a key factor in maintaining relatively positive relations between the two groups, in a way not seen in other parts of the region.

### **Governor Phillip**

The civic precinct and open spaces of the Governors' Domain and Civic Precinct are a testament to the vision and aspirations of Governor Phillip, who envisaged the new colony as a worthy, permanent outpost of the British Empire. Phillip brought his imperial ambitions, observations of other colonial cities, and enthusiasm for the betterment of the physical and moral health of the citizenry to bear in the establishment of significant areas of land to be reserved for the Crown and public open space. Under Phillip's direction the colony was laid out, the government garden established and attempts to understand the new land and its resources made. In accordance with his instructions from the British Government to establish contact and maintain friendly relations with Indigenous people, he took these humanitarian injunctions seriously. It is also through Phillip's active exchange of knowledge with Britain that the identity of the new land began to be shaped.

This value is associated with First Government House, Bridge Street and Macquarie Place.

Bennelong and Phillip's personal relationship has endured in the public understanding and discourse of early Sydney. Of those known interpersonal relationships between colonisers and Aboriginal people, Bennelong and Phillip's is the most historically prominent. This relationship is also the subject of ongoing analysis and reinterpretation of records by academics, researchers and Aboriginal communities. These relatively short few years have become known as the period of 'Conciliation' and were critical in the establishment of the British occupation of Australia. Bennelong's and Governor Phillip's mutually beneficial relationship was critical to the success and assisted in the civic development of early Sydney.

This value is associated with the place as a whole.

### **Governor Bligh**

Governor Bligh has had a lasting impact on the public open spaces of the Governor' Domain and Civic Precinct through his removal of leases on Crown land. By re-asserting the inviolability of the Domain, Bligh paved the way for the scientific and aesthetic achievements of the Royal Botanic Garden and the Domain and the establishment of the Macquarie Street precinct.

This value is associated with First Government House and the Domain.

Governor Lachlan Macquarie and Elizabeth Macquarie Governor Lachlan Macquarie and Elizabeth Macquarie had a profound influence on the social and political structure of the colony and its layout and physical appearance. Based on enlightenment principles which saw social and economic progress as a fundamental element in empire building, Governor Macquarie enacted social policy that transformed the colony's society and culture. His program of town planning and building of public institutions, parks, streets and churches transformed the appearance of the colony from a penal settlement to a civil society. Elizabeth Macquarie, through her interest in agriculture, gardening and design, also made an important contribution. She was instrumental in the layout and shaping of the Botanic Garden and the Domain and planned the road that was laid out around the Domain; and the Domain's north eastern point being named after her.

This value is associated with First Government House, the Macquarie Stables (conservatorium of music), Macquarie Street, the remnant fabric of the Rum Hospital, the remnant fabric of the Mint, Hyde Park Barracks, Hyde Park, the Botanic Garden and Domain, the road around the Domain and the Domain's north eastern point being named after Elizabeth Macquarie.

### **Francis Greenway**

Francis Greenway was an English born architect. Arriving in Sydney as a convict in 1814 he was given freedom to practice as an architect with an office at 84 George Street, Sydney. Governor Macquarie later appointed him as a civil architect and assistant engineer in 1816. He went on to produce some of the finest colonial buildings in the early Sydney Colony. In some ways the beginning of Australia's architecture can be marked by Greenway's repertoire of buildings. Greenway's considerable architectural achievements were undertaken in the service of Governor Macquarie which helped Macquarie to fulfil his ambitious building program while Governor of New South Wales.

This value is associated with his building work located within the place, including the Old Supreme Court building, Hyde Park Barracks, St James Church and the obelisk in Macquarie Place.