



APPROVAL

Cascades Female Factory History and Interpretation Centre, Tasmania (EPBC 2020/8662)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	Port Arthur Historic Site Management Authority
ABN of approval holder	38 430 446 928
Action	To construct a new History and Interpretation Centre and associated works at the Cascades Female Factory, 16 Degraes Street, South Hobart, Tasmania [See EPBC Act referral 2020/8662].

Approval decision

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.


Controlling Provisions

World Heritage	
Section 12	Approve
Section 15A	Approve
National Heritage values of a National heritage place	
Section 15B	Approve
Section 15C	Approve

Period for which the approval has effect

This approval has effect until 1 February 2025.

Decision-maker

Name and position	Dwaine McMaugh Acting Assistant Secretary of the Environment Assessments (Vic, Tas) and Post Approvals Branch Department of Agriculture, Water and the Environment
Signature	
Date of decision	6 January 2021

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The approval holder must implement the **avoidance and mitigation measures** at [Appendix A](#).
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Part B – Administrative conditions

Notification of date of commencement of the action

2. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.

Compliance records

3. The approval holder must maintain accurate and complete **compliance records**.
4. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Compliance report

5. The approval holder must prepare a **compliance report** after **completion of the action**. The approval holder must:
 - a. publish the **compliance report** on the **website** within 60 **business days** following the **completion of the action**;
 - b. notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication; and
 - c. keep the **compliance report** publicly available on the **website** until this approval expires.

Note: **Compliance reports** may be published on the **Department's** website.

Reporting non-compliance

6. The approval holder must notify the **Department** in writing of any **incident** and/ or non-compliance with the conditions of approval. The notification must be given as soon as practicable, and no later than 10 **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
 - a. any condition of approval which is or may be in breach;
 - b. a short description of the **incident** and/or non-compliance;
 - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available;
 - d. the method and timing of any corrective action or investigation which the approval holder has already taken or intends to take; and
 - e. the potential impacts of the **incident** or non-compliance.

Independent audit

7. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.

8. For each **independent audit**, the approval holder must:
- provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - only commence the **independent audit** once the independent auditor and the audit criteria have been approved in writing by the **Department**; and
 - submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
9. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Completion of the action

10. Within 30 **business days** after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Avoidance and mitigation measures means the proposed avoidance and mitigation measures outlined in section 5 (a, b & c) of "Cascades Female Factory History and Interpretation Centre Preliminary Documentation Volume 1", submitted to the **Department** on 14 October 2020.

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state of Tasmania.

Commencement of the action means the first instance of any specified activity associated with the action including **construction** or **demolition** of any infrastructure. **Commencement of the action** does not include minor physical disturbance necessary to:

- install signage and /or temporary fencing to prevent unapproved use of the project area; and
- install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**;

Completion data means a report and spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

Completion of the action means the date on which all specified activities associated with the action have permanently ceased.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report:

- providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions;
- consistent with the **Department's Annual Compliance Report Guidelines (2014)**;

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure or part thereof; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

Demolition means removal, destruction, razing, wrecking, dismantling or levelling.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Incident means any event which has the potential to, or does, impact on one or more **protected matter(s)**, other than as authorised by this approval.

Independent audit: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2019).

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Shapefile means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

Potential impact	Avoidance/Mitigation measure
<p>Concealing of currently exposed footings of the Separate Apartment block resulting in the loss of ability for researchers and members of the public to view the footings.</p>	<p>a) The impacts of in-filling will be managed by PAHSMA as the managing authority for the site as part of future contract arrangements.</p> <p>b) Objective – to provide a record of the currently exposed footings for future research and interpretation.</p> <p>A digital photogrammetric record of the footings will be prepared by PAHSMA or by a consultant engaged by PAHSMA. This record will be managed by PAHSMA and will be available to future researchers and members of the public as needed.</p> <p>The concealing of the footings also has a positive heritage impact. The quality of the sandstone used in most construction of convict buildings in Tasmania is poor. Covering the footings with geotech fabric and sand will create a more stable environment for the long term conservation of the stone that other options such as being exposed under a glass floor or left open to the external environment.</p>
<p>Impacts of demolition of the existing building in Yard 3 on sub-surface archaeological material</p>	<p>a) The impacts of demolition will be managed by PAHSMA as the managing authority for the site as part of future contract arrangements.</p> <p>b) Objective – to ensure the demolition of the existing building does not impact sub-surface archaeological material.</p> <p>Preliminary investigations will be undertaken to determine the depth and nature of the slab. A methodology for the demolition of the slab will be developed based on the preliminary investigations and incorporated into a HWMS.</p> <p>All demolition, construction and removal of inground infrastructure will be monitored by, or at the direction of, PAHSMA archaeologists to ensure compliance with the methodologies set out in the “Cascades Female Factory History and Interpretation Centre:</p>

Potential impact	Avoidance/Mitigation measure
	<p>Statement of Intent for management of sub-surface heritage fabric”. In general these methodologies derive from the approaches of contractor briefing and monitoring.</p> <p>Objective – to provide a record of any sub-surface archaeological material that might be revealed as a result of the demolition for future research and interpretation.</p> <p>Any footings of the separate apartment building found in the demolition will be recorded using digital photogrammetry</p>
<p>Closure of the site to the public during construction work</p>	<p>a) No formal agreement is in place to manage impacts to the MNES and heritage values. The communications strategy to ensure the ongoing dissemination of the female convict story during construction will be implemented by PAHSMA as the managing authority of the site.</p> <p>b) Objective – to ensure the values of the CFF continue to be disseminated during construction.</p> <p>A communications strategy will be implemented to ensure ongoing dissemination of the female convict story during construction.</p>
<p>Ongoing concealment of sub-surface archaeological material</p>	<p>a) No formal agreements is in place to manage impacts to the MNES and heritage values. The ongoing management of the subsurface archaeological material will be undertaken by PAHSMA as the managing authority of the site.</p> <p>b) Objective – to ensure that the potential research values of the sub-surface fabric is retained.</p> <p>As discussed in 4(a) and 4(b) above, the potential research value of the sub-surface fabric – to archaeologists and those from other disciplines – is retained even when access may be problematic or temporarily unavailable. Significant areas of the Cascades Female Factory yard surfaces and the majority of building areas will remain as ‘accessible’</p>

Potential impact	Avoidance/Mitigation measure
	<p>as they were before and as capable of supporting properly devised research as they always have been. As there is no threat to the subsurface fabric from the HIC project, and because there are current research programmes, the results of which will inform the next rounds of enquiry, the HIC project should not be regarded as a catalyst for an archaeological research project involving excavation.</p>
Construction impacts	<p>a) No formal agreements is in place to manage impacts to the MNES and heritage values. The impacts of construction will be managed by PAHSMA as the managing authority for the place as part of future contract arrangements.</p> <p>b) Objective - To ensure that construction work does not adversely impact heritage values and that construction workers understand the potential impacts of their work.</p> <p>Heritage Work Method Statements (HWMS) will be prepared by the contractor and signed off by PAHSMA for all construction activities that have potential to impact in-situ fabric such as the demolition of the existing slab and construction of the gabion walls. The HWMS will be used to train all staff prior to commencing each activity. This system was used during the Penitentiary Project at the Port Arthur Historic Site where the stabilisation works had no alternative to impacting on fabric. Heritage Work Method Statements ensured that those undertaking each specific area of work understood how to approach the task to limit the physical impacts.</p>
Aesthetic Impacts	<p>a) The Planning Permit issued by Hobart City Council includes conditions requested by Heritage Tasmania to manage potential aesthetic impacts. This includes the following condition: Prior to the issue of any approval under the Building Act 2016, documentation must be submitted and approved which</p>

Potential impact	Avoidance/Mitigation measure
	<p>details the final cladding in accordance with the above requirement. As the managing authority for the place, PAHSMA will be responsible for compliance with the Planning Permit.</p> <p>b) Objective – to ensure the new HIC does not adversely impact the aesthetic values of the CFF or detract from the visual quality of the CFF yards.</p> <p>The final selection of materials and finishes will be subject to review by the PAHSMA Conservation Advisory Committee (PACAC) prior to submission to the Hobart City Council and Heritage Tasmania. PACAC includes consultants with heritage expertise and experience in architecture, building, archaeology and research.</p>