

EXPLANATORY STATEMENT

(Issued under the Authority of the Minister for Sustainability, Environment, Water, Population and Communities)

Environment Protection and Biodiversity Conservation Act 1999

Instrument Removing Commonwealth Heritage values from the Commonwealth Heritage List for five Commonwealth Heritage places

The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) provides for the protection and conservation of heritage, including places with Commonwealth heritage values.

Section 341C of the Act requires the Minister to keep a written record of places and their heritage values, called the Commonwealth Heritage List (the List). The Minister may only include a place in the List if:

- the place is either entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth Authority; and
- the Minister is satisfied the place has one or more Commonwealth Heritage values.

Section 341L of the Act provides that the Minister may remove one or more Commonwealth Heritage values included in the List for a Commonwealth Heritage place if the Minister is satisfied that the place no longer has the Commonwealth Heritage value or values.

The purpose of this Instrument is to remove one or more Commonwealth Heritage values from the List for the following five Commonwealth Heritage places:

- Forbes Post Office;
- Hobart General Post Office;
- Leongatha Post Office;
- Queenstown Post Office; and
- Sorrento Post Office.

The values to be removed are identified in Attachment A.

Section 341M of the Act provides that before the Minister removes one or more of a place's Commonwealth heritage values from the List, the Minister must:

- obtain and consider advice from the Australian Heritage Council; and
- publish on the Internet and in a daily newspaper circulating in each State and self-governing Territory, a notice describing the proposed removal and inviting anyone to give the Minister comments.
- A notice was published on the website of the Department of Sustainability, Environment, Water, Population and Communities A notice was also advertised in The Australian on 30 December 2010. The period for public comment was 20 business days from 30 December 2010 to 28 January 2011. No comments were received.

The Australian Heritage Council advised the Minister that the five post offices do not have the Commonwealth Heritage value or values identified in Attachment A. The reasons for the removal are given in Attachment A.

The Instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Instrument takes effect on the first day after the last day on which it could be disallowed, or taken to have been disallowed under the *Legislative Instruments Act 2003*.

Authority: Section 341L of the *Environment Protection and Biodiversity Conservation Act 1999*

Attachment A

The following Post Offices are not considered to meet the Commonwealth Heritage criteria for the values indicated for the reasons given below (noting the places have other Commonwealth Heritage values for which they will remain in the Commonwealth Heritage List):

Places	CH# value	Reason for removing from each identified place the CH value from the Commonwealth Heritage List
Forbes Post Office	f	The fanciful component of France Renaissance, in the mansarded clock tower was unusual, but in step with the employment by James Barnet (Colonial Architect for NSW, 1862-1890) of related motifs in his major new government buildings in central Sydney. The inset arches on the windowed bays facing Lachlan Street, though a Barnet motif, may be later in their formation, as do the scrolled brackets under the lintel on that side, which are a Queen Anne element of which Barnet would probably have disapproved.
Hobart General Post Office	f	The equipment referred to is no longer extant and the area of building in which it was located has been altered and refurbished. The building has lost the ability to 'demonstrate' this aspect of technological significance.
Leongatha Post Office	d	There is scant evidence of the key planning elements associated with the type, particularly the relationship between the main postal hall, the residence and telegraph function. Internally, little or nothing remains of the original's plan form, decorative detail or finishes. Much of the post office's characteristic period details has been removed including roof vents, roof sheeting and rainwater guttering, lead lighting and articulated side entry for the postmaster. Subsequently, the picturesque and aesthetic quality of the original building is also largely diminished.
Queenstown Post Office	f	Architecturally, the building lacks creative refinement or invention. The original internal planning configuration has been impacted by accumulative alteration to the ground and first floor interior spaces.
Sorrento Post Office	d	The original planning of the Sorrento Post Office and quarters remains evident, but there have been considerable changes to the building exterior, particularly the principal elevation and front section, as well as the former residential component to the rear.

#Commonwealth Heritage Criteria corresponding to the value being removed:

- (d) the place has significant heritage value because of the place's importance in demonstrating the principal characteristics of:
 - (i) a class of Australia's natural or cultural places; or
 - (ii) a class of Australia's natural or cultural environments
- (f) the place has significant heritage value because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period