

West Belconnen European Cultural Heritage Report

NSW Neighbours: Lot 4, 5, 61 and 62



Prepared by

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For

The Riverview Group

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1.0 INTRODUCTION

1.1 Background

The Riverview Group are developing a proposal for rezoning land in West Belconnen and adjacent NSW for residential development. To assist this task they have requested research and investigation into the area and preparation of a report on European Heritage. The overall site includes four distinct areas divided by ACT and NSW land and land ownership.

1.2 Brief

A summary of the brief is outlined below with a full copy in Attachment 1. The initial brief was expanded to include ACT Land Blocks 1605 and 1606.

1.2.1 Site

The site for this study is:

- Lot 4 NSW 80 ha
- Lot 5 NSW 80 ha
- Lot 61 NSW 83 ha
- Lot 62 NSW 25 ha

Refer Figure 1 for a plan of the overall site. The area included in this report (NSW Neighbours) is shown in Figure 2 and Figure 3.

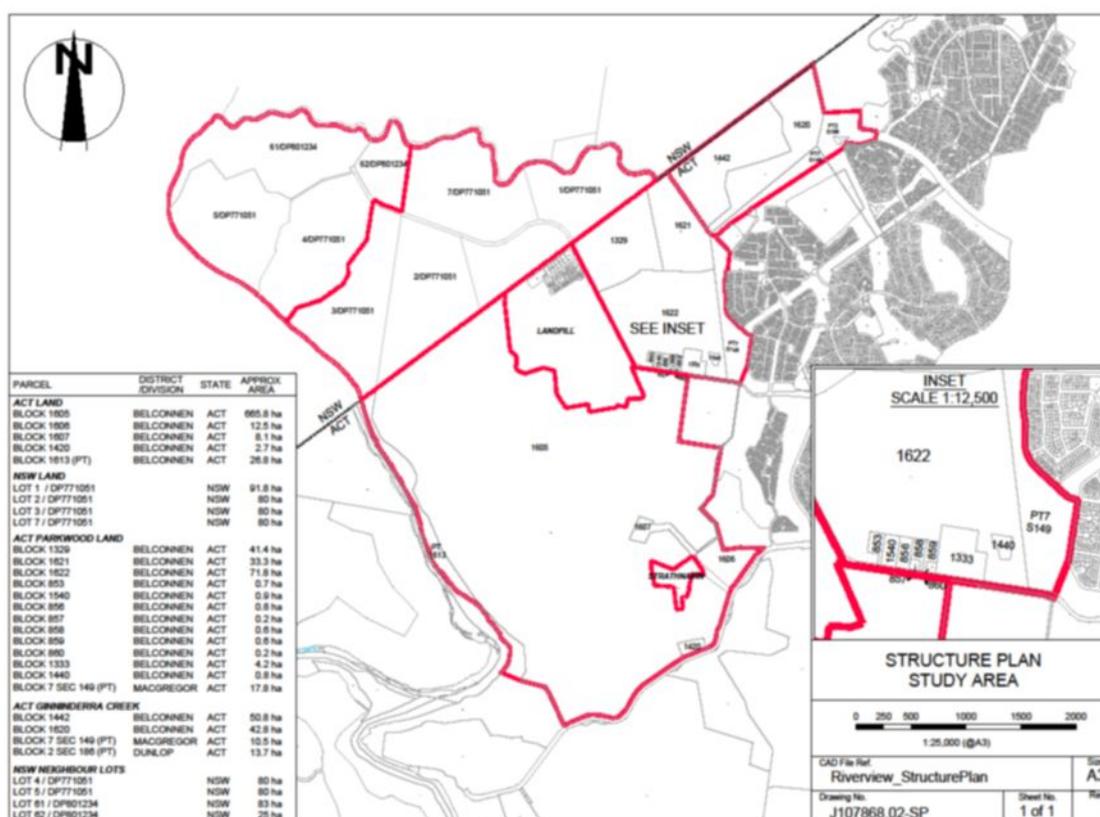


Figure 1: Plan of Overall Site

Source: The Riverview Group

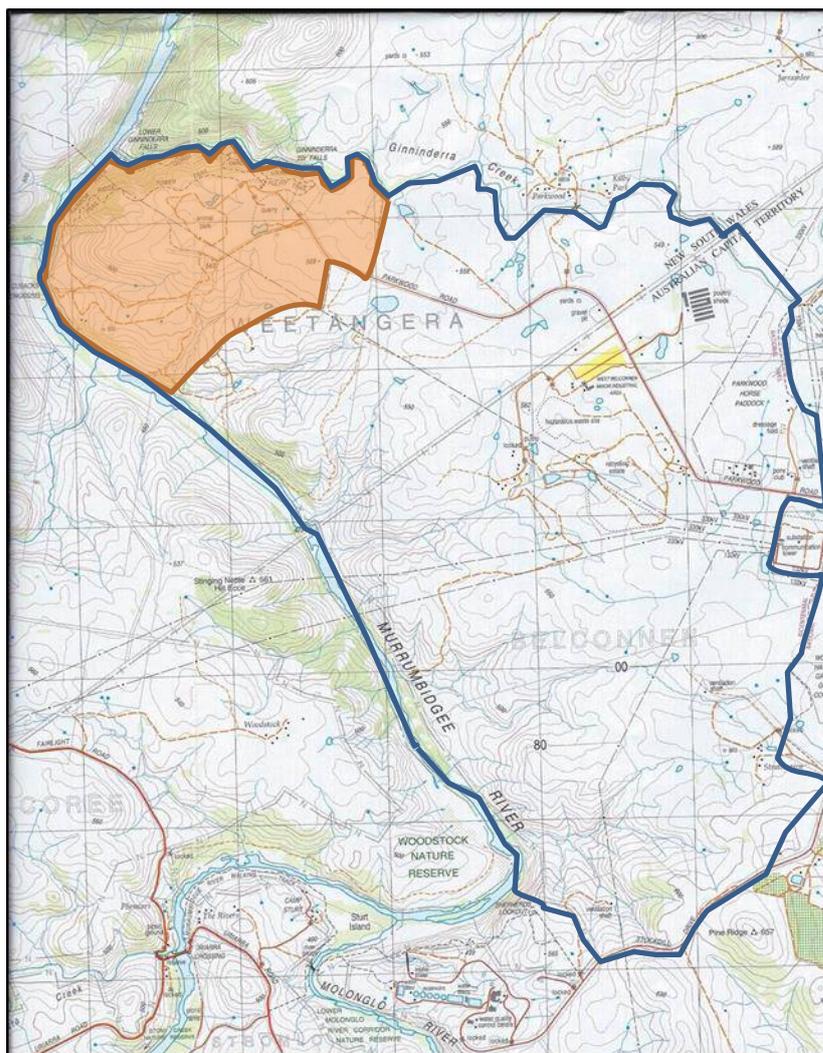


Figure 2: Plan showing NSW Neighbour Land



Figure 3: Aerial View of NSW Neighbours

Source: Google Earth accessed 4 December 2013

1.2.2 Description

To undertake necessary research and investigations and prepare a report on the European heritage of the study area.

The report to identify any features that are of heritage interest and provide an assessment of appropriate options for the future management of such features in the context of urban development.

Report to provide a commentary on the European heritage of the study area that may inform future social and cultural planning for the proposed new community.

Report to provide sufficient information to substantiate proposals to rezone the land for urban development including the identification of any requirements for heritage management or protection that should be incorporated into rezoning proposals.

1.2.3 Methodology

The study adopts the principles and practices of Australia ICOMOS and will include:

- Introduction
- Historical background
- Physical evidence and a
- Assessment of significance.

If any significant item is identified then an appropriate statement of significance, opportunities and constraints, conservation policies and management issues will be prepared. If significance does not reach threshold for heritage registration there may be recommendations that guide future development. These will be defined in this report.

1.3 Authorship

The report has been a collaborative effort by:

| | | |
|-------------------------|--------------------------|------------------|
| Conservation Architects | Eric Martin & Associates | Eric Martin |
| Historian | Di-Petaia Research | Dr Peter Dowling |
| Cultural Landscape | Consultant | Geoffrey Britton |

1.4 Current Status

No part of the NSW Neighbours is listed on any heritage register or nominated for heritage listing.

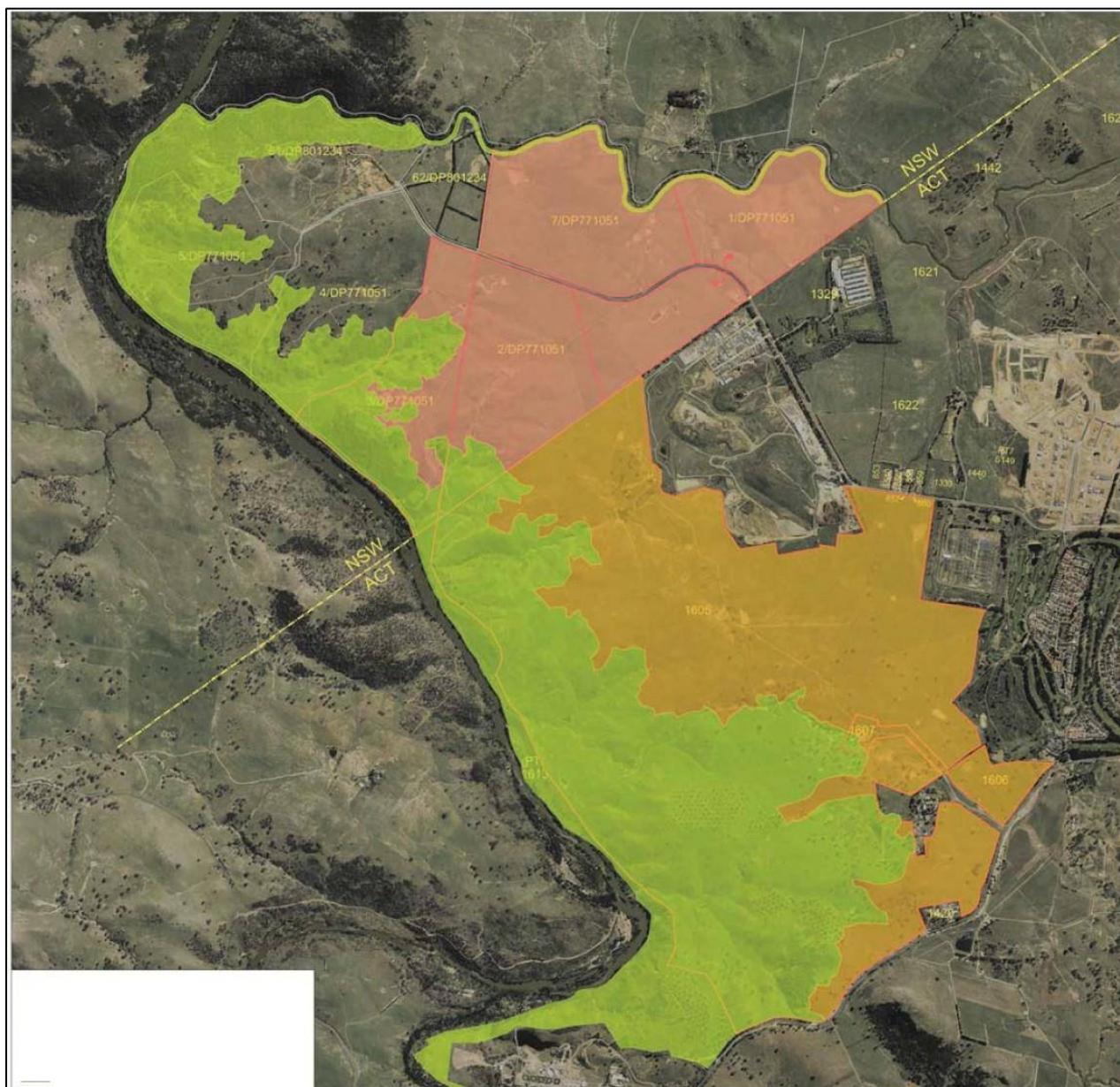
1.5 Acknowledgement

We appreciated the assistance of David Maxwell of Riverview Group who arranged or assisted access to the site and the individual owners/tenants of land who permitted site access.

1.6 Limitations

The report is restricted to European Cultural aspects. Indigenous Heritage is being assessed by Lyn O'Brien from Biosis and natural heritage values by David Shorthouse and Kevin Mills.

It is worth noting that as a result of natural values a redefined river corridor has been established and this is included as Figure 4.



- D PROPOSED URBAN AREA
- D RIVERVIEW NSW LAND
- D PROPOSED RIVER CORRIDOR

Figure 4: Site Plan Showing Proposed River Corridor

Source: The Riverview Group Knight Frank, J107868.02
Cadastral Mapping Metadata Rev C (26 September 2013)

2.0 HISTORICAL BACKGROUND

2.1 European Exploration and Settlement

In the early years of the 1820s European explorers reached what is now the Australian Capital Territory. Dr Charles Throsby, a former Naval Surgeon turned landholder and explorer, his nephew Charles Throsby Smith, guided by his convict overseer, Joseph Wilde, and James Vaughn reached the Molonglo River and the wide valley it flowed through. They were on their way to find the Murrumbidgee River. After several setbacks, Throsby reached the River in 1821. Throsby and his party were the first Europeans to see the Murrumbidgee River.

Following his explorations Throsby wrote of the country he had crossed:

...perfectly sound, well watered, with extensive meadows of rich land on either side of the rivers; contains very fine limestone, in quantities perfectly inexhaustible, slate sand-stone and granite fit for building, with sufficient timber for every useful purpose; and, from the appearance of the country, an unbounded extent to the westwards¹

Certainly overstating the natural resources available, Throsby's description of the land he saw had an element of accuracy ('extensive meadows') and when it was published in the *Australian Magazine* in 1821 it triggered much interest among the Sydney entrepreneurs. More tantalizing news of favourable lands and profits to be made came soon after.

Following the Throsby expedition, Captain Mark Currie, accompanied by the reliable Joseph Wilde and Brigade Major Ovens, reached the Molonglo River and turned south, reaching the Murrumbidgee in 1823. Alan Cunningham and his party were the next to pass through the area in April 1824. Cunningham's objective was to make a detailed botanical inspection of the lands already seen by Throsby and Currie. He followed the Molonglo and Murrumbidgee Rivers, covering some of the ground which Currie had crossed the previous year².

Throsby, Currie and Cunningham reported back to the Colonial Government on the open and well-watered lands they crossed; suitable, they claimed, for sheep and cattle grazing. At that time there were great opportunities for those with an entrepreneurial flair and the financial backing to achieve their aims to invest in tracts of land recently found on the western slopes of the Great Dividing Range. A rush to claim these lands began. European settlement began on the flood plains and slopes above the Molonglo River in what is today the central area of Canberra, and spread quickly south towards Tuggeranong and north to the lands bordering Ginninderra Creek and the Murrumbidgee River.

2.2 Early Settlement

Robert Campbell, a prominent person in the commercial sphere of Sydney, was well connected to the high social circles of the early colony through his family background and his wife Sophia, who was the sister of John Palmer the Commissary-General and First Fleet arrival on the Governor Philip's Ship *HMS Sirius*. Campbell had received a land grant from the Governor of NSW to compensate for the loss of one of his ships and in 1825 he had established a property at Pialligo on the Molonglo River with James Ainslie as manager. The property was later named 'Duntroon', after the Campbell family properties in Scotland. Robert Campbell most likely informed Palmer of the opportunities available for grazing interests in the newly explored area of the colony. John Palmer and his son, George Thomas Palmer, lost little time in establishing land – John in the area of Jerrabomberra adjoining Campbell's holdings and George Thomas further north in rolling plains bordering Ginninderra Creek know to the indigenous people *Ginninginninderry* in 1826³.

These frontier properties were well beyond formal control of the colonial administration and formal possession of lands often lagged behind actual possession. George Thomas Palmer, although grazing the lands since 1826, did not submit a request for permission to purchase the land from the colony until 18 May 1829.

¹ Throsby in *Australian Magazine* June 1821.

² Havard, 1956.

³ Gillespie, 1991, p6.

I beg to request that you will be pleased to submit to His Excellency Governor Darling, my desire to obtain his permission (when the boundary may be extended) for the occupation of an extent of land (not within the line of its present demarcation) about seven miles distant to the northward of the property of Mr Campbell senior, in the vicinity of Limestone Plains, as it is my intention if allowed, to purchase to the full extent of the regulation which I understand to be nine thousand six hundred acres[3885 ha]⁴

Palmer then submitted a formal application for land on 14 December:

With reference to that part of the Land Regulations (bearing dates the 1st August, 1831) headed "Leases", I beg to state that I am desirous of renting fifteen sections of land situated at Ginninderra [sic] in the neighbourhood of that quarter of the country commonly called the Limestone Plains and forming part of the quantity which I formerly made application to rent with a view to purchase⁵.

The tyranny of distance affected the colonial administration in far off Sydney and a muddling bureaucracy initially allocated the desired lands to Mr John Cartwright. An annoyed Palmer then pointed out that he had occupied the lands for several years, had erected several expensive buildings and installed an overseer. The confusion was quickly cleared up in Palmer's favour by the Colonial Secretary and the lands he requested were formally granted in 1831 five years after he had first taken up the land.

It would appear that none of Palmer's local lands were surveyed before occupation, although Assistant Surveyor Robert Dixon and his party had been in the district in 1829. Palmer's holdings were eventually surveyed in 1832, by Robert Hoddle and in 1836 by James Larmer.

Palmer's holdings in the Ginninderra district included:

Portions 4, 8, 9, 10 & 94 – Parish of Weetangera – 4,321 acres (1749 ha)

Portions 4 & 34 – Parish of Wallaroo – 2,205 acres (892 ha)

Portions 20 [Palmerville] , 21, 22, & 23 – Parish of Canberra – 2,640 acres (1068) ⁶.

Further land grants were to be given in the larger area of Ginninderra but many were to absentee owners who speculated but never settled the area [p. 9]. One such 'speculator' was John Langdon who obtained a grant of 1, 280 acres (518 ha), never lived on it, and disposed of it to George Palmer in 1834 in exchange for 445 ewes [p.9]. By this time Palmer was in formal possession of at least 4,227 ha of land and utilising further land areas primarily for grazing in the Ginninderra Creek area.

Another more well-known speculator was Captain Charles Sturt who acquired property ('Belconnen') with frontage on the Murrumbidgee as a reward for his explorations along the Murray and Murrumbidgee Rivers. But, he sold it to Fredrick Campbell within one year. Fredrick Campbell also purchased 640 (259 ha) acres of land on Ginninderra Creek from George Popham in 1836 steadily increasing his land holdings in the area. By the late 1830s the Campbell estate north of the Molonglo River and in the vicinity of Ginninderra Creek totalled almost 6,900 hectares By this time Palmer was in formal possession of at least 4,227 ha of land and utilising further land areas primarily for grazing.

Yet another absentee owner was Alick Osborne, a Royal Navy Surgeon, who obtained 987 acres (399 ha) on Ginninderra Creek at its junction with the Murrumbidgee. He sold the land for £1,200 to Thomas Southwell, who named the property 'Parkwood' and immediately took up residence on it and stayed!

The pattern of absentee land owners selling their land grants to the larger land holders continued. One exception, however, was Henry Hall who received a grant of 3,742 acres (1514 ha) in the parish of Wallaroo and established his homestead there in 1833. His property, Charnwood was surveyed in Aril 1836.

⁴ *Ibid* p.6.

⁵ *Ibid* p.7.

⁶ Land Titles Office, NSW, Plans M6.743, M44.743, M48.743, M50.743, M98.743, M100.743; Gillespie 1991 p.8.

Following a census taken in 1841 the only habitations in the Ginninderra district appear to have been those Palmer (Palmerville), Hall (Charnwood), Glenwood, and Campbell (Belconnen). An example of the population in the area at this time can be derived from two properties:

Population in the Ginninderra district from 1841 census⁷:

| Property | Population |
|-------------|--|
| Palmerville | 47 males, 21 females (total 68) 15 were convicts 6 were ticket-of-leave employees |
| Charnwood | 24 males, 8 females (total 32) 11 were convicts (10 male, 1 female) 3 were ticket-of-leave employees |

But, by the end of the 1850s the majority of the land north and south of Ginninderra Creek either side of the present ACT-NSW border was held by a handful of wealthy owners including Campbell, Palmer, Southwell and Hall, most of whom held lands elsewhere (refer Figure 7).

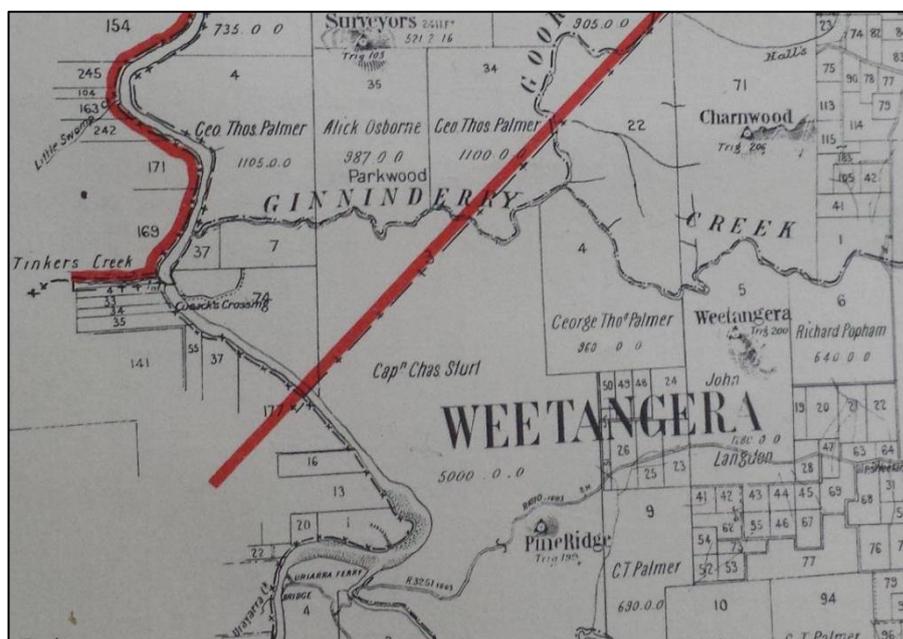


Figure 5: c1910 Map

This map re-published as c1910 Map shows lands held by George Palmer (on both sides of the border), Alick Osborne (Block 36, Parkwood) and land attributed to Captain Charles Sturt. By the time this map was re drawn with the ACT/NSW border Sturt had sold his land to Fredrick Campbell, and Osborne had sold his to Thomas Southwell.

Source:

2.3 The Charles Sturt period

Following his explorations along the Darling and Murray Rivers systems (1828-1830) and government postings, Charles Sturt returned to England in poor health. While undergoing treatment he published an account of his journeys, and after many petitions to the New South Wales Government for recompense, he was promised a grant of 5,000 acres (2,024 ha). The promised grant came with a condition that he gave up his military commission and renounced all other rights arising from his military service. Sturt's

⁷ Gillespie, 1991, p.12.

decision to resign from the military was no doubt based on his continuing ill health, poor eyesight and strained financial situation⁸.

Sturt and his wife returned to New South Wales in 1835. On 17 April 1835 Sturt wrote to his brother William: *You are aware that the Government gave me a 5,000 acre grant of land, but I have not as yet made my selection, being puzzled as to the locality.*

Just a few days later it would appear that Sturt had made up his mind on where to select his land. On 21 April he wrote again:

I am on the eve of making a journey to select my acres. The country to the south is described by several people as most beautiful. As soon as I get my land I shall stock it with 1,000 sheep and 150 to 200 head of fine cattle. As a beginning, that, I think, will do very well; and a trip once or twice a year to see my establishment will be a pleasure to me⁹.

On 5 June an order was issued by the Governor for the promised grant of land. Just after their arrival back in the Colony the Sturts purchased an additional 1,950 acres (789 ha) near Mittagong where they settled. Sturt may have made a journey to the area of Ginninderra to select his granted land.

Sturt's wife, Charlotte, wrote in her biography:

Sturt delayed for some time to select his land, and the Survey Office in Sydney warned him they would cancel his grant if he did not exercise it within a given time. This notice found him lying ill at Yarralumla, so on hearsay and in haste, he chose his grant at Ginningdera [sic] near Queanbeyan, a block surrounded on three sides by the water of the Murrumbidgee, the Queanbeyan [actually the Molonglo] and the Ginningdera. The land, however, is not good, and has suffered heavily from floods¹⁰).

Writing many years later, Charlotte Sturt may have exaggerated the flooding of the land. While the Murrumbidgee and Molonglo Rivers and Ginninderra Creek would have regularly flooded, much of the land Sturt selected was and is today above the floodplains of these waterways.

Whether he did actually inspect the area, or relied on the recommendations of contacts in the district, the land he selected for his grant was a good choice. The 5,000 acres was a gently sloping area of land with sheltering ridges. The selection fronted on to the permanent water sources of the Murrumbidgee River, and was bounded in the north by Ginninderra Creek and in the south by the Molonglo River. Small drainage creeks and springs added to the water availability of the land (Figure 6).

The selection was surveyed by Robert Hoddle, the Deputy Surveyor General for the Colony, on 25 November, 1835 and gazetted on 8 February, 1836. Sturt was asked by the Colonial Secretary to name his grant for the title deed:

In reply to your communication requesting to be informed by what name I would wish the 5000 acre grant confirmed on me by the Government to be designated that the same may be entered in the Title Deed which His Excellency the Governor had directed to be prepared. I have to express my wish that it may be called "Grange"¹¹.

With the name of the property duly recorded the land was finally granted to Sturt on 3 February 1837.

Judging by the letter he had written to his brother on 17 April, Sturt most likely had no intention of actually building and living on the Ginninderra land grant. By 1836 he and his wife had purchased and settled on a property between Bowral and Mittagong. Sturt was to hold title of the 'Grange' for just a year. On 26 February 1838, he sold the whole 5,000 acres to Charles Campbell. There is no record of Sturt returning to the Ginninderra region and he saw out his last years in Australia in Adelaide; living in a modest house he named 'Grange' before returning to England in 1853.

⁸ Cumpston, 1951; Beale, 1979.

⁹ Cumpston, 1951.

¹⁰ Cited in Cumpston, 1951.

¹¹ Archives Office NSW Microfilm No. 1185 cited in Gillespie, 1992.

However, the figure of Charles Sturt has been prominent in Australia's history, particularly for his explorations in the Murrumbidgee and Murray River Corridors and into the desert centre of the continent. His name has been given to a suburb in Adelaide, a University in New South Wales, and several municipal streets and roads, including the major highway linking South Australia, Victoria and the Hume Highway in New South Wales. Sturt's association, however fleeting it was, with the land along the Murrumbidgee was locally and officially recognised into the early nineteenth century with 'Sturt's Grant' being marked on the 1915 Feature Map produced by the Federal Capital Territory. Today, the Sturt association is still recognised by the naming of Sturt Island in the Murrumbidgee Corridor.

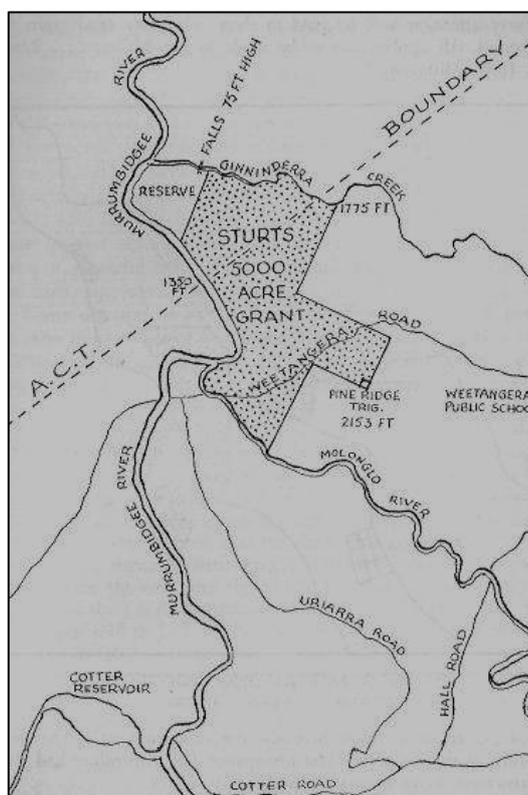


Figure 6: The location of Sturt's 5,000 acre land grant, later named 'Belconnen', was between the Murrumbidgee River in the south and Ginninderra Creek to the north.

The ACT-NSW border cut through the original grant leaving the northern section under NSW legislation and retained in private ownership, and the southern section under Commonwealth legislation to be compulsorily resumed¹². Part of the NSW Neighbours land is depicted as a reserve area in the north from Ginninderra Falls and the northern section of Sturt's grant (later purchased by Fredrick Campbell).

Source: Cumpston, 1957.

2.4 The Campbell Period

Charles Campbell had come to the district to manage his father's (Robert Campbell) station at Duntroon in 1835. He briefly assumed responsibility for the management of George Thomas Palmer's Ginninderra Estate, marrying Palmer's daughter, Catherine, in 1837. Following the sale of Sturt's acres, Charles Campbell arranged to buy his father-in-law's Ginninderra property with a down payment and the balance being paid by instalments. The deal did not last long, and Palmer resumed possession when his son-in-law could not keep up the payments. A drought, along with falling wool and stock prices were the main

¹² Cumpston, 1951.

causes. However, Charles and Catherine managed to hold on to Belconnen even though they moved back into the family home at Duntroon¹³. Belconnen became an outstation to the Duntroon estate.

Campbell did not keep the name of 'Grange' for his new acquisition, and soon after purchase the land was named 'Belconnen'. The origin of this name is not entirely clear but it has been suggested¹⁴ that Campbell gave it this name following an incident on the property when an Indigenous male used a similar sounding word, meaning "I cannot find". The name, like many Indigenous terms adopted by Europeans, has been spelled as 'Belconnel,' 'Belconon' and 'Belcomon'. The name was largely limited to the property and was not applied to the present area of Belconnen until after the Naval Transmitting Station, built nearby in 1938/9, adopted the name.

Campbell's staff set to work clearing the native vegetation, opening up the land for sheep grazing. Campbell may also have planted exotic species.

Living in the Ginninderra district in the 1830s and 1840s meant an isolated and confined lifestyle. A census taken in 1841 showed the only inhabitants of the area were from Palmer's holdings, Charnwood and Glenwood Stations and the Campbell holding of Belconnen. The total population was just over one hundred and approximately seventy five percent were males. The isolation was especially telling for the women, but there were some opportunities for socialising. The main social events in these times were visiting other families and the Sunday church services. Catherine Campbell, while living at Duntroon, often visited her father's property¹⁵ and most likely, accompanied by her husband Charles, visited their Belconnen holding.

By the end of the 1870s the Ginninderra region began to show signs of development, with the population increasing following the passing of the Crown Land Acts (Roberson Land Acts) of 1861. Most of the properties in the area were small, ranging from 40 to 400 acres (16-161 ha), although when Crace purchased Charnwood he held around 20,000 acres (8093 ha).

Charles Campbell's son, Frederick, took over the management of the Duntroon estate, including the Belconnen outstation, in 1877 when his father was overseas¹⁶. The second son of Charles and Catherine, Frederick was born at Duntroon in 1846, the same year his grandfather, Robert, died. Frederick was born with a cleft-lip and experienced difficulties with his speech throughout his life. Embarrassed by his speech and having problems with his studies at Sydney University, Frederick decided to try life on the land¹⁷. He worked as a jackaroo in Queensland; and later in 1873, with financial help from his uncle, purchased land near Walgett. Frederick experienced financial problems and sold out two years later. He accepted an offer from his uncle, George Campbell, to manage Duntroon estate, which he did for five years. Duntroon had become the centre for an elite society of established and wealthy landowners. Frederick, now just in his thirties, did not fit easily into this society, most likely because of his speech difficulties, and did not often entertain. But, nonetheless, he liked to be recognised by the local communities as a Campbell. In 1878 he married into the elite society. His wife, Francis Wright, was the daughter of James and Mary (nee Davis) Wright of Lanyon and Cuppacumbalong.

¹³ Gillespie, 1992.

¹⁴ Shepherd, 2005.

¹⁵ Gillespie, 1992.

¹⁶ *ibid*

¹⁷ Newman, 2007.

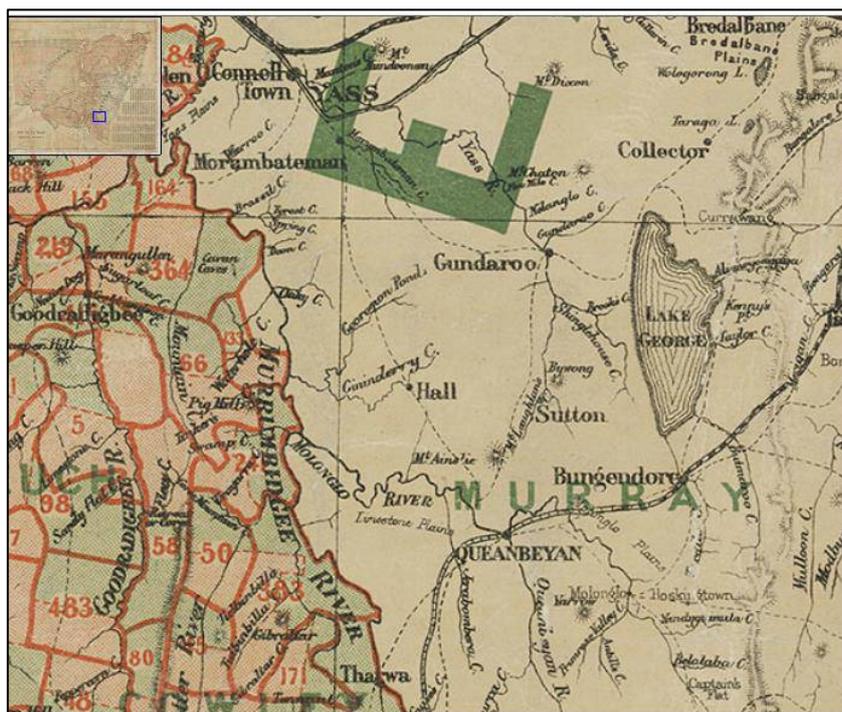


Figure 7: 1886 Index map of New South Wales showing pastoral holdings following the 1884 Crown lands Act prepared by the Surveyor General's Office. The NSW Neighbours land south of Ginninderra Creek and the surrounding land east of the Murrumbidgee are not yet subdivided.

Source: 1886 Index Map of New South Wales

In 1882 Frederick (or Fred as he was more widely known) finalised the purchase of Yarralumla Estate. At that time, Yarralumla consisted of a collection of land grants and conditional purchases accumulated by Augustus Gibbes. The land parcels were not adjoining and there was no single marked boundary to the estate. To consolidate the estate holdings Frederick bought land areas lying between his scattered titles with the object of clearly delineating the Yarralumla Estate. The Belconnen lands, which had passed to Frederick following the death of his father, were incorporated in the Yarralumla Estate. The total estate, now 39,000 acres (16,783 ha), also included land on the south side of the Molonglo, incorporating the present 'Huntly' lands.

Frederick employed overseers and staff for his holdings. Fencing, stables and yards were erected during the 1880s to 1890s by James Kilby and Evan Cameron¹⁸. The Campbell family, starting with Robert Campbell who established Duntroon, had a tradition of assisting Scottish migrants to Australia and employing them on their holdings.

By the beginning of the 20th century Belconnen was prospering. The land within the study area appears to have been exclusively used for sheep and cattle grazing with crops of oats, barley and wheat. The farm buildings and main infrastructure, now located outside the study area within the ACT, included a stone overseers' cottage with slab attachments, sheep yards, animal enclosures and a shearing shed. But within the first three decades of the 1900s the situation was to change.

¹⁸ ACT Heritage Council.



Figure 8: The map of the Federal Capital Territory Boundary Survey, republished c1910, shows the rural holdings of the Weetangera and Canberra regions.

The study area region in the Weetangera Shire between the Murrumbidgee River and Ginninderra Creek has been surveyed into large open grazing lots compared to other smaller lots to the south.

(Note: The map is based on an earlier parish survey as the neighbouring lot labelled under the ownership the ownership of Capt. Charles Sturt was sold to Campbell in February 1838).

Source:

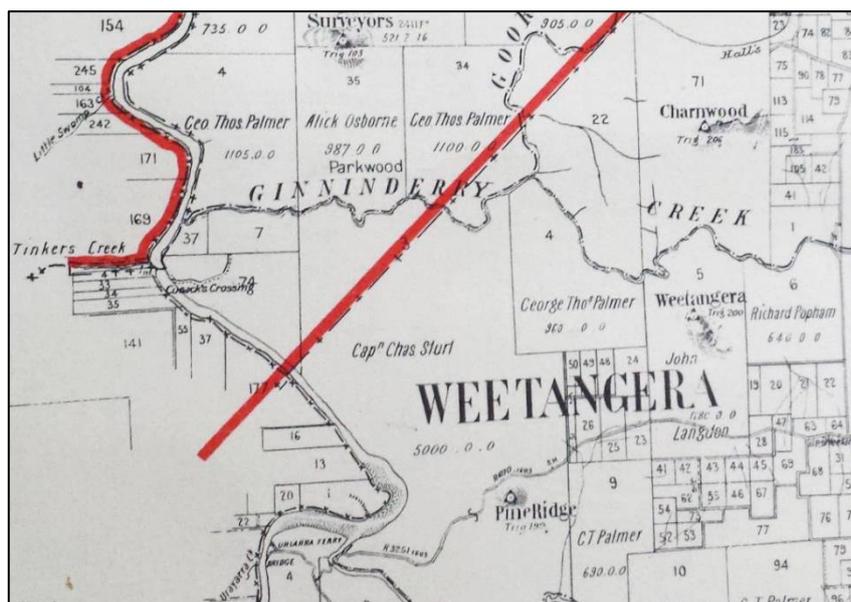


Figure 9: Expanded section of the above map showing the NSW Neighbours land (south of Ginninderra Creek) as blocks 37, 7 and 74 held by George Thomas Palmer as part of a 1105 acre (447 ha) holding.

Note: The map is based on an earlier parish survey as the neighbouring lot labelled under the ownership of Alick Osborne was sold to Thomas Southwell in 1854; and the lot under the ownership of Capt. Charles Sturt was sold to Campbell in February 1838.

Source:

Following the Federation of the Australian colonies in 1901, and the eventual selection of the Canberra area as the site of the new Federal Capital in 1908, the Federal government was anxious to accurately survey the new Capital Territory. Under the guidance of Charles Scrivener who was appointed Director of the Lands and Survey Department, the surveying of the border began in 1910. The first section to be surveyed was along a direct bearing between the summits of Mount Coree and One Tree Hill. The survey line cut through Campbell's Belconnen property putting the southern two-thirds of the land within the new Federal Territory and subject to compulsorily resumption. Campbell was left with the northern third of the property within New South Wales and under his ownership. As well as Belconnen, all of the Duntroon estate lands within the borders of the Federal Capital Territory were to be subject to government acquisition. Campbell was also to lose his family home of Yarralumla, which became home to Australia's Governors' General.

Frederick Campbell had been a great supporter of the Yass/Canberra area as the site of the new Federal Territory and advocated strongly for it. But when the border was to be surveyed cutting through his holdings he was most distressed and angered by the impending government land acquisitions. Referring to the Belconnen land he had purchased from Sturt, he wrote to Scrivener in August 1912 wishing to retain the lands in the Federal Territory:

It is my Ewe Lamb, and I hope the Commonwealth Government will be satisfied to leave me that much of Sturt's 5000 acre grant and not drive me altogether out of my native district¹⁹.

His plea was not fulfilled and the estate lands were acquired by the Federal Government leaving the small New South Wales portion north of the border in his ownership. Frederick Campbell, in great disappointment at losing title of his lands moved away from Yarralumla and the Federal Capital. He died in 1928. The *Canberra Times* wrote in its obituary:

Mr Campbell's association with Yarralumla dated from 1881, when he bought that property from the Gibbes family. Yarralumla comprised about 8,000 acres, and when he received his father's property at Belconnen on the latter's death, in 1888, he owned about 20,000 acres freehold. Under his direction Yarralumla became a model station. Heavy forest land was converted into grazing and cultivation paddocks, marshy country was dried by about 500 miles of drains, and the whole area was made practically rabbit-proof. The clip, from Merinos of Boonoke and Wanganella extraction, became one of the most valuable in the State.

Mr Campbell resided at Yarralumla until it was resumed as a residence for the Governor-General, and then left to control Cooinbil, a property he had acquired in Riverina. During his residence in the present Federal Territory he took a keen interest in all local affairs. For many years he was a member of the Queanbeyan pastures Protection Board, and for some time also was president of the local branch of the Farmers' and Settlers' Association²⁰.

2.5 A New Era

2.5.1 The Kilby family at The Falls and Parkwood

Following on from Thomas Palmer, Charles Sturt, Charles and Frederick Campbell, James Kinloch Kilby farmed blocks 37, 7 and 74 (the NSW Neighbours land area). Kilby was born in 1870, the son of Robert and Jane Kilby who emigrated from England and arrived in Sydney in 1856. The senior Kilby's soon found their way to the Ginninderra district and set up the grazing station, 'Lands End', now in the Canberra suburban area of Weetangera. James Kilby married Beatrice Southwell, daughter of Thomas and Mary Southwell of 'Parkwood' in 1897 continuing a close association which had developed between both families in the often isolated rural area.

On 7 February, 1895, James Kilby acquired the land overlooking the junction of Ginninderra Creek and the Murrumbidgee as a conditional purchase from the Crown. The property comprised an area of 222 acres (90 ha) and was on the southern side of the Ginninderra Creek including Ginninderra Falls²¹. Conditional Purchases were introduced in 1862 under the Robertson land Acts as a way

¹⁹ NAA A371.1.

²⁰ *Canberra Times*, 1928.

²¹ Winch, 1982.

of getting small landholders on the land. Buyers selected a portion of land, paid an initial deposit of 10 percent of the value, and then had to pay it off in instalments. The main conditions were that they had to reside on the property, and they had to improve it – build a house, plant crops and run livestock. On 3 May 1900, five years after purchase the conditions having been met the purchase of the land became complete. James and Beatrice Kilby lived there for eight years. James and Beatrice called their small holding 'The Falls' after Ginninderra Falls.



Figure 10: 'The Falls', residence of James and Beatrice Kilby. Left to right are Beatrice Kilby with baby Keith, Jane Kilby, Robert Kilby, James Kilby, Edith Kilby and children Roy and Harry Vest.

Source: Gillespie, 1992

The association between the Kilby and Southwell families was to endure for many years and over several generations, particularly with the ownership and occupation of Parkwood lands which bordered 'The Falls'. Ten years after purchasing 'The Falls' and with the purchase price well and truly paid James and Beatrice Kilby acquired the now well-known property of 'Parkwood' from Edwin Davis. There was 987 acres (400 ha) in this purchase. Parkwood had been the home of Thomas and Eliza Southwell, Beatrice's parents, which they had set up in 1854. Following the death of Thomas Southwell the property had been subdivided between his four eldest sons in acknowledgement of their part in establishing 'Parkwood'. However, the youngest Southwell son, Mark, bought his brothers out and he remained there until 1905 when a severe bushfire burnt out most of the property. 'Parkwood' was then sold to Edwin Davis and for five years (1905-1910) was out of the hands of the Southwell Family. This must have distressed the Southwell family, particularly Beatrice living on 'The Falls' just a few paddocks away so to speak. With the necessary capital in hand, and 'The Falls' in their ownership, James and Beatrice Kilby purchased 'Parkwood'. The Southwell Brothers moved back into the 'Parkwood' lands and the combined properties were managed by a consortium, Kilby Brothers, Parkwood. The property was to remain under the Kilby and Southwell ownership until 1969 when all but 40 acres (16 ha) was sold to Mathew Abell & Co, Harwicke Stud. 'Parkwood' was again sold to a private ownership in 1984.

James Kilby and his family became prominent agriculturalists and social leaders in the region along with the Southwells. Kilby supported many sporting clubs, became president of a local football club and for a short period stepped in as a relief teacher of the Weetangera School when the resident teacher took sick leave²². Following his death in 1950 the *Canberra Times* stated:

*In his early days he gave his services as a Sunday Schoolteacher. He was a member of the choir, and a local preacher. For the past 50 years he has been Secretary of the Wattle Park Church Trust. We are thankful to have had the influence of J.K. Kilby among us*²³.

The new era of land ownership and tenure in the districts surrounding and within the new Federal Capital did not begin well for the owners. Many of Australia's worst droughts occur when one or

²² *Ibid*

²³ *Canberra Times*, July 24, 1950.

two dry years follow several years of below average rainfall²⁴. The five years leading up to 1900 saw dry spells across most of the country followed by reasonable rains in 1900 and 1901. But with the coming of Spring in 1901 extremely dry weather returned across eastern Australia. It was called the Federation Drought. The erratic weather conditions caused seven years of severe drought and hardship for the land holders along the Ginninderra Creek catchment. The drought conditions saw crop failures and farm incomes fall. To make matters worse a rabbit plague and a grasshopper plague coincided with the drought and what grasses were able to survive in the dry grounds were consumed. In a cooperative rabbit drive on James Kilby's property, three hundred and fifty rabbits were killed in one day²⁵. As the farm incomes fell year by year the land owners were forced to take out mortgages on their holdings, stock, and crops many of which were already under mortgage contracts. The result was disastrous for many.

Samuel Southwell, James Kilby's brother-in-law, recounted the farming experience in the 1840-60s on the bordering Parkwood station:

My early knowledge of things generally in this district are that times were very bad for people on the land and for all people who were trying to lead an honest life.

The only method to break up the land for farming pursuits was by single furrow plough and bullocks. Reaping with sickle and thrashing by flail. Waiting for suitable wind to clean the grain. With a very good market running wheat worth from 1/6 to 2/1 [shillings/pence] per bushel [,] hay worth very little and very little grown. Potatoes and corn were grown but no market at all for such products. Good fat cattle now worth up to £20 – per head were then only worth about £2 – horses very scarce and draughts were out of the question.

Nearly every squatter carried on boiling down works, to use up the surplus fat stock because there was no market for the stock. Very few had any sheep here in those days. Wages were very low £20 per annum was then a fair wage. Young men received about 5/- weekly as farm labourer. I saw a new bullock dray sold in the market for the sum of £10 – worth from £40 to £60 now.

Later in years after the diggings broke out in Bendigo – Ballarat and other places all was changed in the matter of produce and wages. Wheat went up to 16/- per bushel and many carriers were employed to convey wheat to the Sydney market and elsewhere which appears to have been the turning of the tide with men on the land. Since then to now the times have been somewhat better or worse. Just as the circumstances and seasons have occurred and occasioned.²⁶

In 1882 the larger landholders in the Ginninderra region, Edward Crace and Fredrick Campbell, embarked on a large-scale fencing programme of their properties. Prior to this time properties were largely unfenced and often the exact boundaries were uncertain. This situation necessitated the employment of shepherds to control the sheep flocks during the day and yarding them at night to reduce the risk of them straying or falling prey to wild dogs and dingoes. Fencing large areas solved this problem to a large extent and was seen as financially expedient.

But fencing caused other problems. The smaller selectors had often the need to use the established tracks across the properties of Crace and Campbell to get to their own holdings. This was made even more a necessity because the holdings in the Ginninderra area were bordering or spanning rivers such as the Murrumbidgee and Molonglo or smaller but often impassable water ways such as Ginninderra Creek, particularly in the lower gorge reaches. The programme of fencing by Crace and Campbell cut off these access routes along the tracks and caused bitter disputes which led in many cases to legal disputes over rights of access.

'The Falls' below Ginninderra Creek and adjacent area (Lot 61) is now in private ownership/occupation (Hyles). A residence (Lot 5, Gib Moore) has been built above the flood levels of the Murrumbidgee, a few hundred metres from Cusack's Crossing and the land is used for grazing as it has since European arrival. Another residence (Shaw and Armitage) has been built on Lot 4.

²⁴ Australian Bureau of Meteorology www.bom.gov.au/lam/climate/levelthree/c20thc/drought1.htm

²⁵ Gillespie, 1992.

²⁶ Samuel Southwell, 1920, cited in Winch, 1982, P.23.

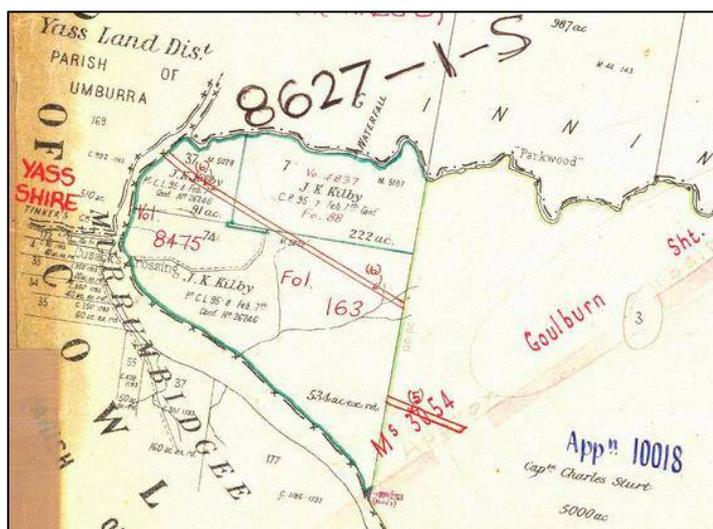


Figure 11: Parish base map of Wallaroo (Weetangera), c. 1890s showing the study area, top left of map, under the ownership of J.K. Kilby

Source: NSW Land & Property <http://images.maps.nsw.gov.au/pixel.htm>

2.5.2 21st Century

The area now is primarily open grazing lands for cattle and sheep with some small private businesses. Ginninderry Homestead, a family owned Bed & Breakfast and functions centre at 468 Parkwood Road, was opened in 2001 on former grazing land privately purchased in 1989 and the adjacent Pacispa Day Retreat is operated by the same family group.



Figure 12: Parish base map of Wallaroo, NSW, 1912, showing land within the study area. Block 37 of 91 acres (37 ha) and block 74 of 529 acres (214 ha) are now owned by the Commercial Banking Company of Sydney, formerly held by J.K. Kilby. Block 7 of 222 acres (90 ha) shows that it is at this time held by J.K. (James Kinloch) Kilby²⁷

Source: NAA A6273

²⁷ NAA A6273 Lands in the Parish of Ginninderra Compulsory Acquisition 11-9-15

3.0 PHYSICAL EVIDENCE

3.1 Setting/Landscape

The allotments comprising the NSW Neighbours area encompass a mostly open, undulating and predominantly grassy landscape, with scattered woodland trees, that is bounded by Ginninderra Creek to the north and the Murrumbidgee River to the south and west. The eastern boundary initially follows the eastern-most pine shelterbelt at 'Ginninderry' fronting Ginninderra Creek then turns west along the Parkwood Road before following a meandering line to the southwest down to the Murrumbidgee River.

The whole of the study area is on an elevated plateau with a corresponding 'shoulder' on the other side of the Murrumbidgee River where the river course has cut its way through both flanks and left the dramatic and densely vegetated gorge. Chains of hills and mountains enclose the area in a broad arc from the north and around to the west and south.

There are three principal creeks within the site all draining to the Murrumbidgee River and many more subsidiary creeks. Landforms contrast between generally flat, gently undulating topography across the northern third to more rolling, heavily incised country to the south, especially as it approaches the Murrumbidgee River (refer Figure 13). Dense indigenous vegetation remains along the southern side of Ginninderra Creek as well as the steeper southerly facing slopes of the more incised landforms – including along the Murrumbidgee River gorge.



Figure 13: General view from Gib Moore's property at the southwest corner of the study area showing the rolling nature of the topography and the Murrumbidgee River valley in the middle ground where a dense band of riparian vegetation is evident. The access road at right comes from adjacent the gravel quarry at the end of Parkwood Road.

As a result of millions of years of geomorphological processes the study area possesses many impressive vistas and views to the various waterforms along its edges – from the Murrumbidgee River gorge to the various falls of Ginninderra Creek.

Neighbouring farm groups of note lie nearby including the *Parkwood/Kilby Park* group across Ginninderra Creek to the northeast and, across the ACT border, *Belconnen Farm* to the southwest.

Apart from introduced vegetation associated with more recent buildings within the study area, most of the vegetation is dominated by locally indigenous types relating to either the woodland community (Box/Gum alliance) or riparian communities. Land associated with the recent building complex 'Ginninderry' is divided into small paddock compartments and enclosed by lines of Monterey Pine (*Pinus radiata*). A northerly paddock compartment includes an old woodland tree (red gum?) that has collapsed into a sprawling diminutive forest (Figure 14).

To the southwest of 'Ginninderry' is a small commercial industrial area of where Ginninderra porphyry is quarried for gravel.

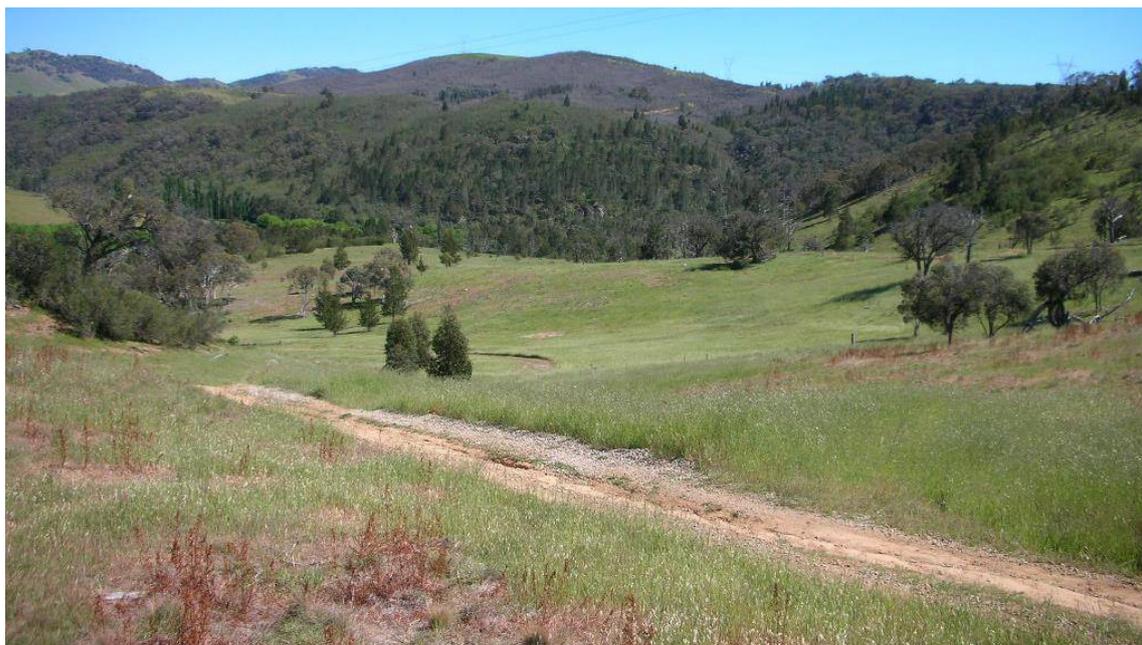


Figure 14: A view of the entry track to Gib Moore's property looking to the Murrumbidgee River valley. At the right side in the middle ground is a fenced track running along the cleared slope in the middle of the photograph. This is a section of the early right of way to Cusack's Crossing that appears on the parish map of 1904.

Source: G Britton, 2013

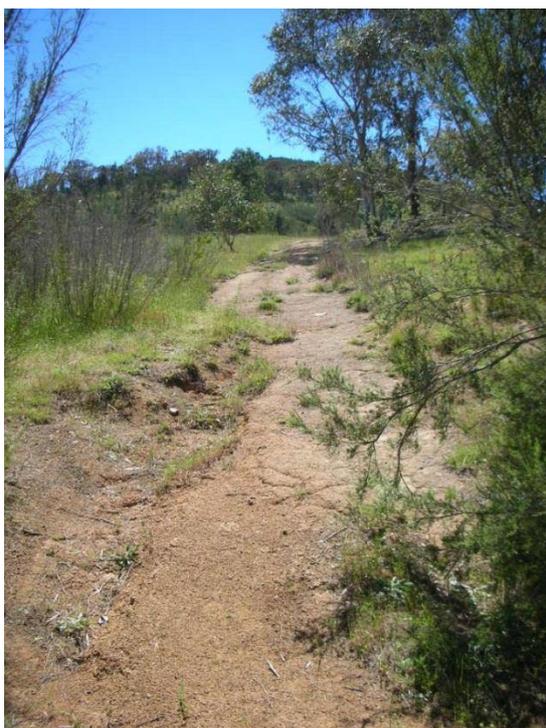


Figure 15:



Figure 16:

Views of the old track to Cusack's Crossing at the Murrumbidgee River through land within Gib Moore's property.

Source: G Britton, 2013 :



Figure 17: Former entry to Ginninderra Falls through private property at the end of Parkwood Road. The entry portal features an impressive horizontal hardwood beam. Ginninderra Creek is within the band of vegetation at the foot of the cleared hills in the background.

Source: G Britton, 2013



Figure 18: Part of the site featuring a former railway carriage with its exotic vegetation of *Ceanothus* (in blue flowers), cypresses and Hawthorne.

Source: G. Britton, 2013

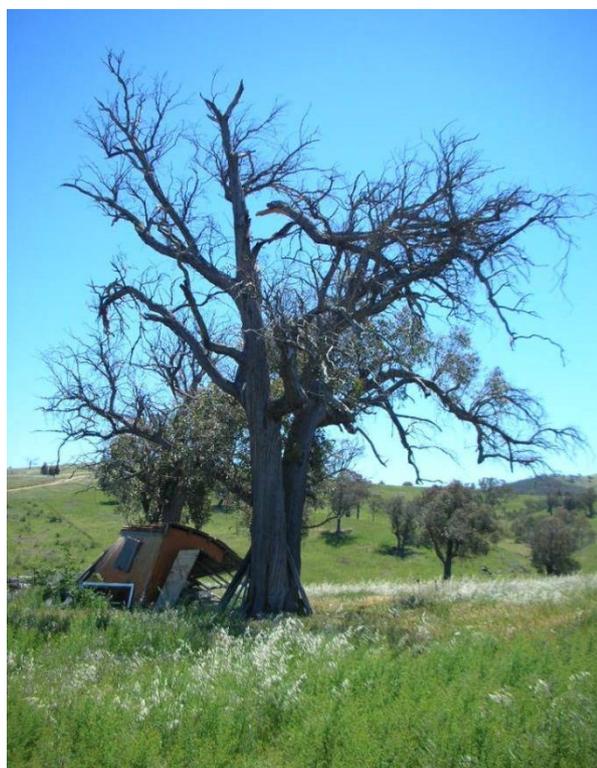


Figure 19: View within the study area showing a collapsed structure near a senescent woodland tree in the vicinity of the building group with the railway carriage.

Source: G. Britton, 2013



Figure 20: View over the railway carriage group showing the nature of the study area's topography – ranging from gently undulating to the north then becoming more rolling and more deeply incised to the south towards the Murrumbidgee River valley. The all-pervading distant ranges are also evident.

Source: G Britton, 2013



Figure 21: Collapsed old woodland tree within a northerly paddock enclosed by recent pine plantations at the 'Ginninderry' property near Ginninderra Creek.

Source: G Britton, 2013

3.2 Evolution of the Cultural Landscape

Enduring intrinsic attributes of the landscape that would have been present at the time of the first European incursions into the northern 'Limestone Plains' in the 19th century include the eroded and weathered landforms, the dendritic drainage patterns, rocky gorges, sporadic persistent woodland trees with a riparian vegetation community closer to the main drainage corridors and, in a broader context, extensive views connecting the study area with the enclosing hills and mountain ranges beyond.

Where creeks and their tributaries have incised through the undulating landscape they have exposed rocky terrain of mainly volcanic origin from the Hawkins and Laidlow Volcanic Suites. This is especially noticeable as the creeks approach the Murrumbidgee River. The broader Belconnen-Ginninderra area is also known to be of considerable geological and geomorphological interest.²⁸

The spectacular riparian scenery within the gorges of the Murrumbidgee River and Ginninderra Creek has been long admired with the latter, for example, being the subject of paintings and photography from the 19th century (refer Figure 22 - Figure 24).

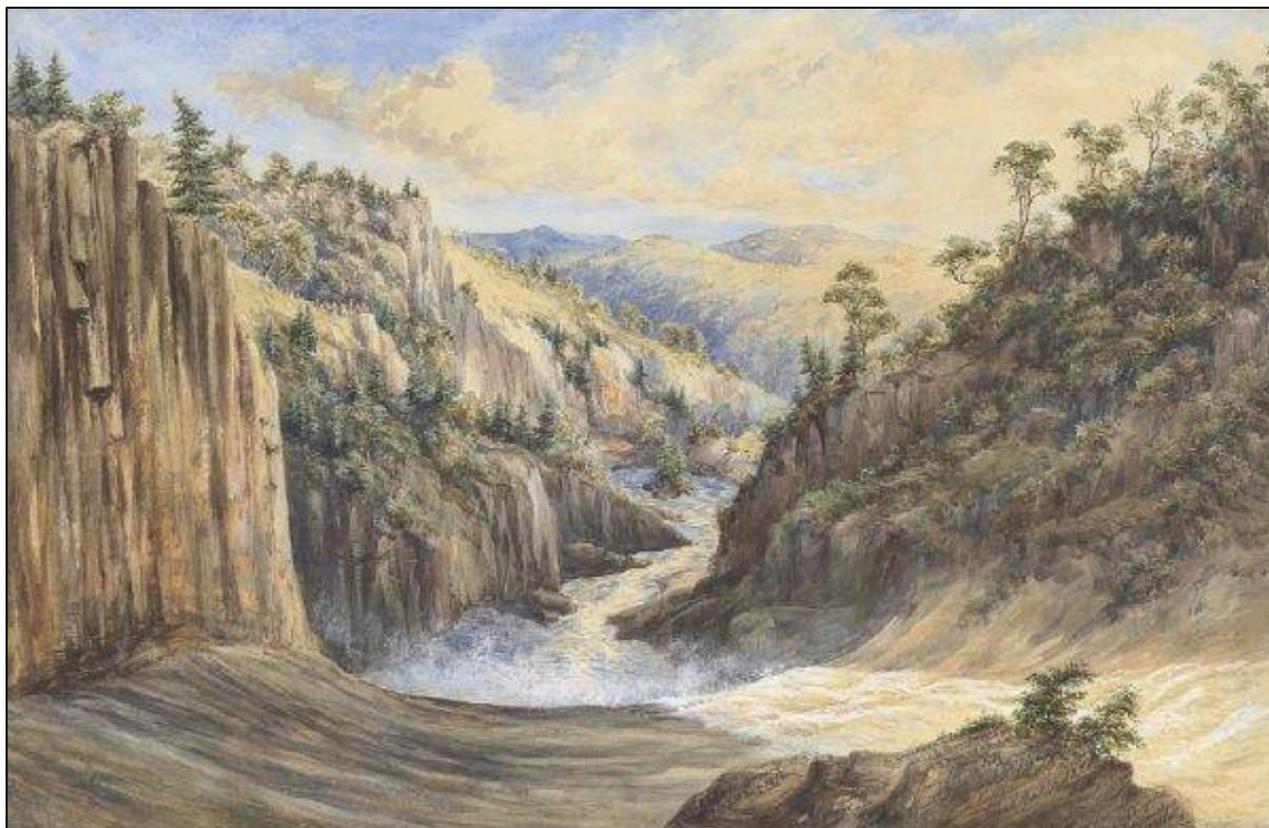


Figure 22: 1875 painting of “The Ginindarra Creek, looking to Murrumbidgee hills, County Murray, NS Wales” by Constance Frederica Cumming (1837-1924)

Source: <http://trove.nla.gov.au/version/21830258>

²⁸ Geological Society of Australia, *A Geological Guide to the Canberra Region and Namadji National Park*, GSA Canberra Division, 2008; Geosciences Australia, Geology & Geophysics, Geological maps 1:100,000 series, Canberra Sheet 1992 and Brindabella Sheet 1979; Department of Urban Services, *Murrumbidgee River Corridor Management Plan*, Conservation Series No. 12, Australian Capital Territory Government, 1998, p. 74.

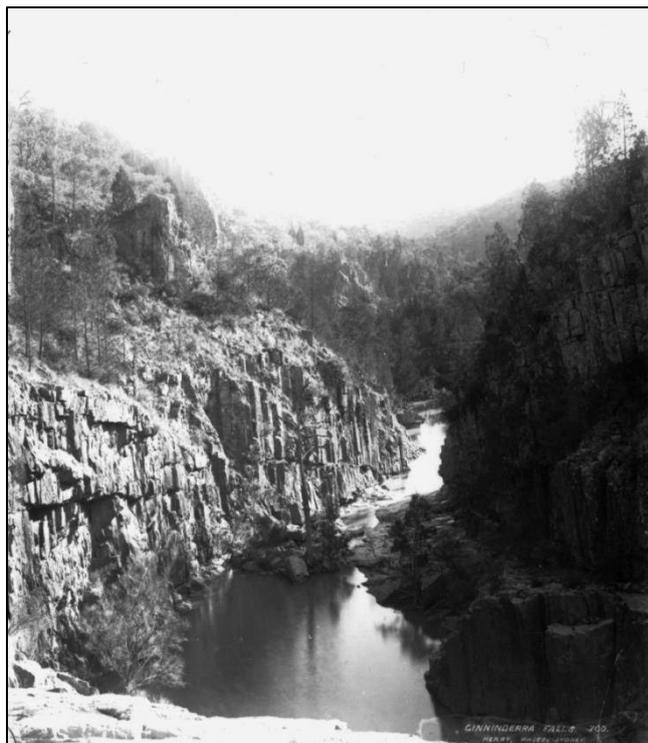


Figure 23: Undated Kerry & Co, "Ginninderra Falls"

Source: <http://trove.nla.gov.au/version/172444946> c. 1893



Figure 24: De Salis children at Ginninderra Falls c 1893

Source: <http://trove.nla.gov.au/version/456751170>

Land included within the NSW Neighbours area is a close continuum of that within the ACT that has been described as a Tableland Dry Tussock Grassland with Tableland Riparian Woodland along the Murrumbidgee River (and into the larger tributary creeks) and patchy areas of Tableland Grassy Woodland with Blakely's Red Gum and Yellow Box) and Tableland Woodland with Black Cypress Pine (*Callitris endlicheri*).²⁹

All of the NSW Neighbours area is outside the area that was once part of Charles Sturt's 1837 land grant. However the northwestern boundary of this grant is actually still delineated within the present landscape and is interpreted by way of a fence alignment and pines extending from Ginninderra Creek along the eastern edge of 'Ginninderry'. The grant boundary line soon became the western boundary line of Charles Campbell from 1838 and it was likely during the Campbell period (1838-1912) that it was initially fenced. (As late as 1904, the map for the Parish of Weetangera still noted the Charles Sturt grant area under his name.) The pine windbreak reinforcing this boundary of the study area was planted from the 1980s.

Aerial photography from 1985 (refer Figure 25) shows Parkwood Road within the study area to be largely consistent with the present alignment although since 1985 the gravel quarry site has more than doubled in area. Current aerial photography clearly shows an earlier access easement in the southwestern part of the site that accords with the access, shown on the 1904 parish map, that led to the Cusack's Crossing site at the Murrumbidgee River near its confluence with Tinkers Creek on the opposite side. This earlier access appears to be one of the few cultural landscape elements remaining from the Kilby period of occupation of this land. Other features may also remain (for example evidence associated with the first Kilby site 'The Falls'), however access to most of the northern and the northwestern parts of the study area was not possible.

²⁹ Environment and Recreation, Territory and Municipal Services, **ACT Aquatic Species and riparian Zone Conservation Strategy**, Action Plan No. 29, TAMS, Canberra, 2007, p. 29



Figure 25: 1985 Aerial Photograph

Source: NLA Belconnen CAC/C 2777 Run 2 Frame 035, 1985

Building groups within the southern parts of the study area – near the Cusack's Crossing site and at the head of the southerly creek line – have each been established in recent decades and each involve some introduced vegetation that has remained confined to the immediate development area. The former site has a small vineyard within a cleared area to the north of the main house group.

3.3 Structures

There are several structures in the study area as outlined below. Their location is shown in Figure 26.

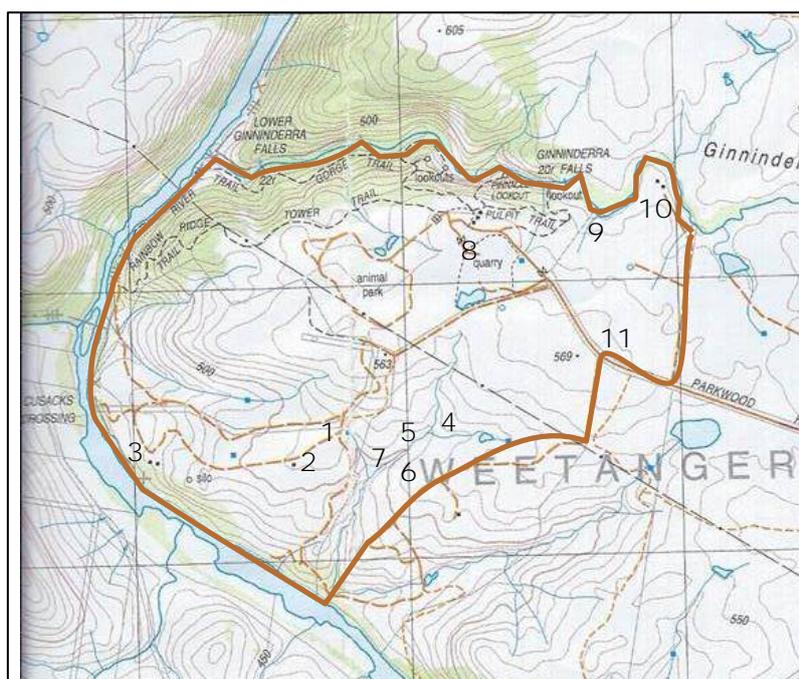


Figure 26: Location of Structures

Source:

| | |
|---------------------|---|
| <p>3.3.1</p> | <p>Yards (Gib Moore)</p> |
| | <p>Metal post and rail yards and race.</p> |
| |  |
| <p>3.3.2</p> | <p>Shed (Gib Moore)</p> |
| | <p>Colourbond three bay shed with gable roof.</p> |
| |  |
| <p>3.3.3</p> | <p>Residence (Gib Moore) c1985</p> |
| | <p>A timber weatherboard cottage with Colourbond roof and an adjacent timber weather board garage/workshop. There is a small garden shed and a large metal tank on the hill behind the house. The residence is located beside the Murrumbidgee River but above normal flood levels with minimal landscape other than the natural landscape along the river.</p> |
| |  |

| | | | |
|---------------------|---|---|---|
| | |  | |
| <p>3.3.4</p> | <p>Container (Shaw & Armitage)</p> | | |
| | <p>A container sits in the paddock and is used for storage.</p> | | |
| | |  |  |
| <p>3.3.5</p> | <p>Yards (Shaw & Armitage)</p> | | |
| | <p>Galvanised steel pipe rails to yard and race.</p> | | |
| | |  | |

3.3.6 Residence (Shaw & Armitage)

A cottage has been created from an adapted railway carriage with the addition of a timber framed porch clad in shadecloth.

There is a Colourbond double garage with a gable roof. A tent provides shelter to a boat. The area is fenced with minimal landscape.



| | |
|---------------------|---|
| <p>3.3.7</p> | <p>Shed (Shaw & Armitage)</p> |
| | <p>Timber framed metal shed has collapsed.</p> |
| |  |
| <p>3.3.8</p> | <p>Quarry Structures & entry to Ginninderra Falls (Hyles)</p> |
| | <p>There are several structures including: Colourbond equipment shed; Colourbond cottage with flat metal roof and aluminum sliding windows. Colourbond clad toilets.</p> |
| |  |
| <p>3.3.9</p> | <p>Pacispa c 2012</p> |
| | <p>A two level painted brick building with a timber framed verandah to upper levels on all sides. The roof is hipped and lined with corrugated metal. There is a partly established garden, stone fence and garden sheds and fencing.</p> |
| |  |



3.3.10 Ginninderry c2001

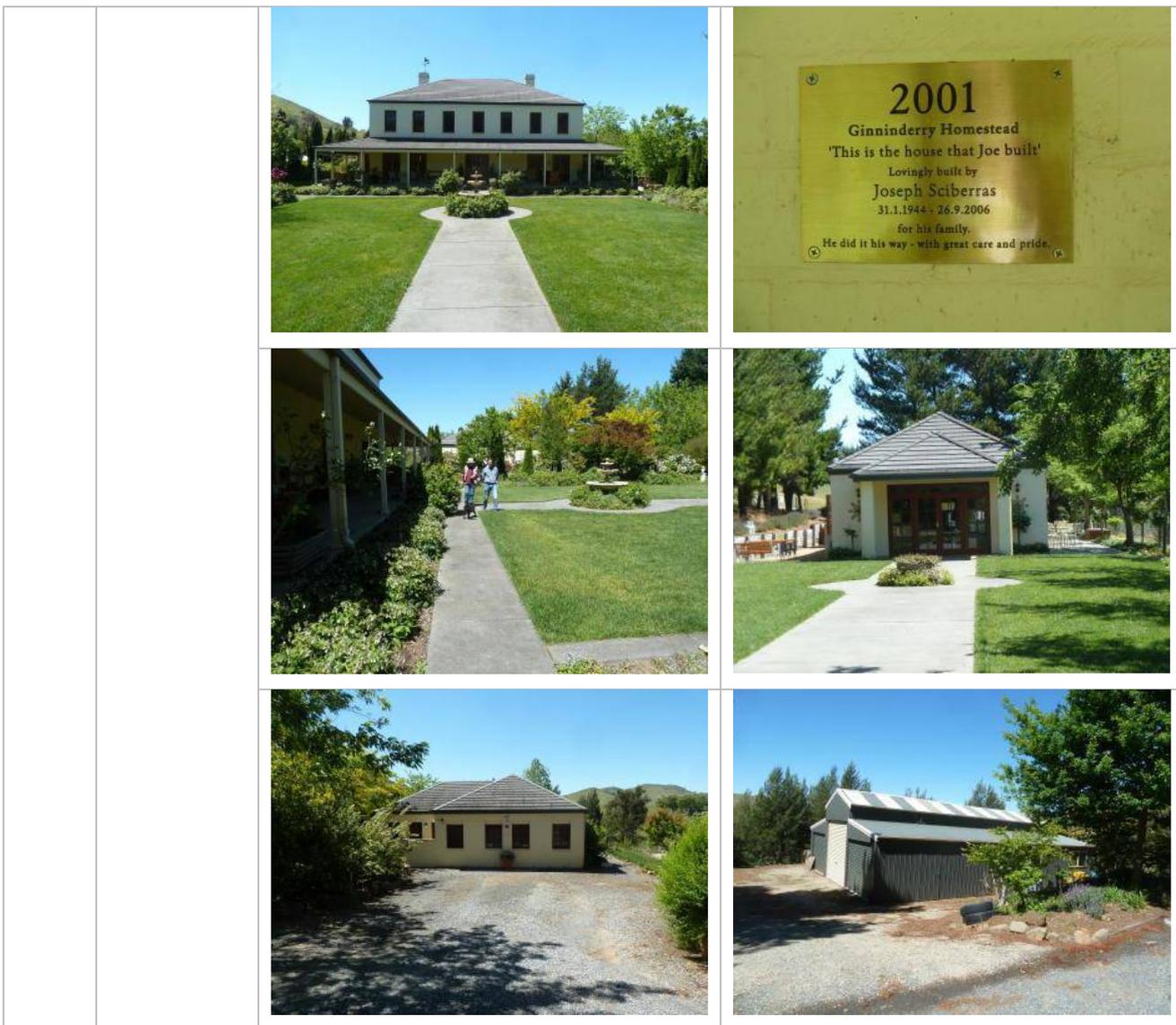
A two storey painted masonry building with a timber framed verandah to the front section. The roof is hipped and tiled with chimneys protruding. Gutters, fascia and downpipes are Colorbond. Windows are timber and double hung.

Adjacent the main building is a Colorbond shed/garage with cable central section and skillion along each side.

An adjacent function centre (c2012) is of similar construction to the house but is single storey.

All buildings are set within well maintained and attractive gardens. The approach to the centre is along a pine tree lined drive





4.0 ASSESSMENT

4.1 Criteria

To establish the significance of West Belconnen it is necessary to analyse the information from the preceding sections. The analysis is against the criteria for the NSW Heritage Register³⁰ as the place is located in NSW.

The criteria that are currently applicable for the NSW Heritage Register are those specified in Part 3A of the NSW Heritage Act (as amended in 1998): The State Heritage Register is established for listing of items of environmental heritage³¹ which are of state heritage significance³².

To be assessed for listing on the State Heritage Register an item will, in the opinion of the Heritage Council of NSW, meet one or more of the following criteria³³:

- a) an item is important in the course, or pattern, of NSW's cultural or natural history;
- b) an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history;
- c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW;
- d) an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons;
- e) an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history;
- f) an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history;
- g) an item is important in demonstrating the principal characteristics of a class of NSW's
 - cultural or natural places; or
 - cultural or natural environments.

An item is not to be excluded from the Register on the ground that items with similar characteristics have already been listed on the Register.

4.2 Assessment

4.2.1 Historical Value

Within the NSW Neighbour area there are features that remain from the 19th century European settlement of the Ginninderra landscape that include:-

- There is no evidence above ground of the original Kilby cottage in the area identified by the Kilby family. However it remains as a site of archaeological interest.
- Cusack's Crossing site and its easement/access from the upper part of the plateau;
- The Ginninderra Falls sites that have long been admired and photographed and painted from the 19th century;
- The former Sturt/Campbell boundary line interpreted by the present fence line and pine shelterbelt at the northeast part of the study area within 'Ginninderry'. (Note that Figure 6 is not correct and that the detail is in Figure 9.)

³⁰ <http://www.heritage.nsw.gov.au/docs/criteria.pdf>

³¹ **environmental heritage** means those places, buildings, works, relics, moveable objects, and precincts, of state or local heritage significance (Section 4, *Heritage Act, 1977*).

³² **state heritage significance**, in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific cultural, social, archaeological, architectural, natural or aesthetic value of the item (Section 4A(1), *Heritage Act, 1977*).

³³ Guidelines for the application of these criteria may be published by the NSW Heritage Office

4.2.2 Aesthetic Value

The study area includes some of the most spectacular landscape scenery associated with the region and would hold considerable value to a broad community on account of this. Of particular note are the various falls along Ginninderra Creek and sections of the Murrumbidgee River gorge.

The area additionally affords fine views of the enclosing hills and mountain ranges nearby that greatly contribute to the outstanding scenic value of the place.

4.2.3 Social Value

The master planning of the area has involved considerable consultation from a very wide range of stakeholders. This has revealed that the edges of the study area adjoining the Murrumbidgee River and Ginninderra Creek corridors would hold considerable value for a broad community of interest. Some of this community interest in the site has been expressed through the media³⁴ and in proposals for a Murrumbidgee-Ginninderra National Park concept that would adjoin and continue the Woodstock Nature Reserve across the ACT border³⁵.

4.2.4 Scientific Value

Archaeological research potential is covered by others but the Kilby cottage site is of some archaeological interest.

Indigenous flora and fauna research potential covered by others.

Parts of the study site would hold ecological value as a part of the Murrumbidgee River corridor and Ginninderra Creek corridor systems and their confluence. The area is also known to be of considerable educational value for its geology and geomorphology.

4.2.5 Overview

The natural values associated with the Murrumbidgee River and Ginninderra Creek have been assessed by others and a river corridor defined to protect these values (refer Figure 4). Our assessment of the remaining part of NSW Neighbours land is:

| Site Component | Grade of Significance |
|---|-----------------------|
| • Scenic views of/from falls within Ginninderra Creek | Exceptional |
| • Northern section of the 1837 Sturt grant boundary/ Campbell estate western boundary line (interpreted by the existing fence line/Monterey Pine plantation at edge of 'Ginninderry') from Ginninderra Creek to the Parkwood Road | High |
| • Cusack's Crossing site | High |
| • Extant easement and access to Cusack's Crossing | High |
| • Scenic views to distant hills and mountain ranges | High |
| • Scenic views to Murrumbidgee River corridor | High |
| • Scenic views to Ginninderra Creek corridor | High |
| • Gorges and natural outcrops of Hawkins and Laidlow Volcanic Suites throughout study area | High |
| • Old woodland trees (red gum?) within NSW Neighbours land outside river corridor | Moderate |
| • Associated values with Kilby family and cottage | Moderate |

³⁴ <http://www.smh.com.au/travel/blogs/yowie-man/ginninderra-falls-for-all-of-us-20120711-21veg.html>

³⁵ Ginninderra Falls Association, Murrumbidgee-Ginninderra Gorges National Park: A proposal, no date, pdf downloaded from www.parliament.act.gov.au/.../04_Ginninderra_Falls_Association.pdf

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| | |
|--|-----------|
| • Gib Moore property including vineyard/landscape | Low |
| • Property with railway carriage including landscape | Low |
| • 'Ginninderry' property including landscape | Low |
| • Monterey pine plantations at 'Ginninderry' | Low |
| • Pacispa including landscape | Low |
| • Existing alignment of Parkwood Road | Low |
| • Location of former track to Parkwood Road | Low |
| • All buildings/structures | Low |
| • Ginninderra Falls portal site | Intrusive |
| • Views into Ginninderra porphyry gravel quarry | Intrusive |
| • Environmental weeds throughout site | Intrusive |

NOTE: while indigenous woodland and riparian vegetation do contribute to the setting we have not included these aspects in the above as we understand this is covered by others.

4.3 Conclusion

There is no part of the NSW Neighbours land outside the proposed river corridor that meets the threshold of satisfying any of the criteria for listing on the NSW Heritage Register for the Heritage Schedule to the Yass Valley LEP 2013.

However there are elements of the NSW Neighbours land that should be retained, interpreted and integrated into any future development of the area. These include:

- The western boundary of the Sturt/Campbell land.
- The alignment of the access road to Cusack's Crossing.
- Retention of vistas/views to distant hills and mountain ranges, the Murrumbidgee River valley and Ginninderra Creek.
- Cusack's Crossing site.

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West Belconnen European Cultural Heritage Report
NSW Neighbours

13108

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- | | | |
|------------------|------|--|
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Attachment 1 Brief

REQUEST FOR FEE SUBMISSION

For

EUROPEAN HERITAGE SERVICES

For

**BLOCKS 1605, 1606, 1607 & 1420
Part BLOCK 1613
DIVISION OF BELCONNEN ACT**

ACT PARKWOOD

**BLOCKS 853, 856, 857, 558, 859, 860, 1329,
1333, 1440, 1621, 1622 & Part BLOCK 7 Sec 149**

NSW LAND

**LOTS 1, 2, 3 & 7
DP771051, Parish of WEETANGERA,
SHIRE OF YASS VALLEY, NSW**

NSW NEIGHBOURS LOTS

LOTS 4, 5, 61, & 62

Date of Issue: JULY 2013

Prepared by

Riverview Group
P.O. Box 3908
Manuka ACT. 2603

REQUEST FOR FEE SUBMISSION

1.0 BACKGROUND

The ACT site includes all of Blocks 1605 and 1606 Belconnen District. It is bounded:

- On the east by Stockdill Drive and the Belconnen Magpies Golf Course (a portion of which was recently rezoned for residential development)
- On the south by the Murrumbidgee River
- On the west by the ACT border
- On the north by the Canberra substation, Parkwood road and the Belconnen landfill site.

ACT Blocks Lots 1605 and 1606 are currently held by Corkhill entities as a rural lease the area of this land is 670ha. The Corkhill Group through entity Reid & Stevens P/L also owns 330ha of land in NSW Blocks Lots 1, 2, 3 & 7 which is adjacent to the rural lease land. This land, together with an area of neighbouring NSW land lots 4, 61 & 62 which is approximately 270ha is bounded by the Murrumbidgee River and Ginninderra Creek; it is a “peninsula” that is only accessible from the ACT.

Immediately to the north of the site, across Parkwood Road, is an area of territory land which is largely unleased and undeveloped but which has possible urban potential and has been identified as such in the ACT Planning Strategy. This land is bounded by Parkwood Road, West Macgregor, Ginninderra creek and the Parkwood Egg farm.

On the 15 May 2013 Corkhill, Reid & Stevens and ACT Government signed a Heads of Agreement which requires the following:-

- a) The parties have agreed to develop land in accordance with project objectives to ACT.
- b) Reid & Stevens can develop NSW land into residential, commercial lots at a prescribed time.
- c) Riverview Group part of the Corkhill Group act as Development/ Project Managers acting on behalf of the ACT Government through their agency Land Development Agency to develop ACT land for residential uses for Blocks 1605 & 1606.

Riverview Group has commenced the rezoning process and the attached request for fee submission is the first stage.

2.0 PROJECT OBJECTIVES

The fee submission shall be aware of the project objectives which are attached in annexure A.

3.0 THE SERVICES

The Consultant must provide the Services described in Schedule B attached scope of works.

4.0 PERFORMANCE OF THE SERVICES

4.1 Professional Services

The Consultant must perform the Services with the degree of professional skill, care and diligence expected of a consultant experienced in providing the same or similar services. The Consultant acknowledges that Riverview Group is reliance upon the Consultant's representation that it has the skill, experience and ability to provide the Services.

4.2 Nominated Personnel

The Consultant must provide details in fee submission of the relevant personnel proposed to perform the Services. This includes and not limited to Curriculum Vitae but maybe also references.

5.0 RIVERVIEW GROUP ROLE

Riverview Group is the appointed Development/ Project managers for the project and all instructions will be via Riverview Group only.

The Principal shall be the Land Development Agency for ACT land and Reid & Stevens for NSW Land. The Principal in both cases will be responsible for the payment of all consultants' invoices.

6.0 SCOPE OF RESPONSIBILITY

The Consultant indemnifies Riverview Group, LDA & Reid & Stevens against all claims, liability or loss in respect of personal injury (including death) to any person or damage to any property (other than the Project) arising out of or in connection with the Services, to the extent that the same is due to the negligence or default of the Consultant or its employees, agents or contractors.

The Consultant will be liable for the care of all drawings, specifications and other documents prepared by the Consultant or entrusted to it by Riverview Group or LDA until they are returned by the Consultant to Riverview Group.

7.0 VALUE FOR MONEY

The consultant in the fee submission must provide statement where there company fee submission provides LDA with value for money for the services. Refer to Schedule E item 7.

8.0 INSURANCES

8.1 Public Liability

The Consultant must effect and maintain public liability insurance with a limit of indemnity of not less than the amount stated in Schedule C to this Agreement.

8.2 Employees and Agents

The Consultant must effect and maintain insurance against any liability which may arise at common law or by virtue of any relevant workers or accident compensation legislation, in respect of any person employed by the Consultant in connection with the Services.

8.3 Professional Indemnity

The Consultant must effect and maintain professional indemnity insurance with a limit of indemnity of not less than the amount stated in Schedule C to this Agreement in respect of legal liability arising from a breach of professional duty or negligence whether that duty is owed in contract or otherwise by reason of any act error or omission by the Consultant or its employees, agents or contractors.

9.0 WORK HEALTH AND SAFETY ACT 2011 (WHS)

The Consultant fee submission must provide and allow for all the requirements of the WH&S ACT 2011.

10.0 ACT & NSW Statutory Requirement

The Consultant fee submission must allow for relevant statutory requirement by the Federal, ACT & NSW governments.

11.0 ACT PROCUREMENT Act 2001

The requirements of the ACT Procurement Act are included in fee submissions.

12.0 ACT BUILDING AND CONSTRUCTION INDUSTRY (SECURITY OF PAYMENTS) ACT. 2009

The requirements of the ACT Building and Construction Payments (Security of Payments) Act are included in fee submissions.

13.0 QUALITY

The Consultant must prepare and implement to the satisfaction of Riverview Group a quality assurance system for the Services and include in the fee submission.

14.0 CONFIDENTIALLY AGREEMENT

The Consultant must be prepared to sign a confidentially agreement attached to Annexure D if fee submission successful.

15.0 CONFLICT OF INTEREST

The Consultant must declare in fee submission any matter connected with the performance of the Services, which could give rise to an actual or potential conflict of interest.

16.0 FEES AND PAYMENT

16.1 The fee submission for the Services is to be lump sum with any assumptions, clarifications or exclusions to be clearly defined.

16.2 The fee submission for services shall include all disbursements.

16.3 Provide with fee submission any hourly rates that maybe applicable for change of scope works.

16.4 Fee submission shall be fixed for a period of 120 days.

16.5 At monthly intervals the Consultant may submit a tax invoice for the Fees due and the GST thereon for Services provided accompanied by information sufficient to allow Riverview Group to verify each invoice to its satisfaction. The tax invoice must contain be addressed as follows:

1) ACT LAND
Land Development Agency
c/- Riverview Group
P.O. BOX 463
WAHROONGA NSW 2076

2) ACT PARKWOOD LAND
Land Development Agency
c/- Riverview Group
P.O. BOX 463
WAHROONGA NSW 2076

3) NSW LAND
Reid & Stevens Pty Ltd
c/- Riverview Group
P.O. BOX 463
WAHROONGA NSW 2076

SCHEDULE A

Find attached Project objective for West Belconnen ACT - Corkhill



The Belconnen Project Sustainability Vision

“Creating a sustainable community of international significance in the Nation’s capital.”

The Riverview Group, working with the ACT and NSW Governments, will develop the site at Belconnen to achieve a vision of inspiring sustainable living, development practice and awareness. Achieving a high quality of life for the people living at Belconnen is at the heart of our project planning and design.

We will create a community that exemplifies World’s Best Practice in its design, construction and long-term liveability. As a model of sustainable community living it will be a place and community that can be showcased throughout Australia and internationally.



Project objectives:

To achieve our Vision we will challenge conventional industry thinking. We will employ practices, processes and systems that embody innovation and design excellence.

This project has been conceived and will be delivered on a fully integrated and audited triple bottom line basis.

Our project will:

- » Be sustainable over time, socially, economically and ecologically (with a low and reducing ecological footprint)
- » Respond to the local and global environment
- » Provide for future beneficial change to occur in design, infrastructure and regulatory mechanisms
- » Be cost effective, replicable and measurable
- » Act as a new model that others can follow.

Guiding Principles for Sustainable Results

The principles below will direct decision-making by all project management, sub-consultants and referral agencies in the delivery and development of the Belconnen site. They reflect national priorities and Federal, State and Territory Government policies on housing affordability, climate change and environmental protection.

PARTNERING PRINCIPLES

- Ptnr 1. Partnering is essential to this project and the scale and timeframe will allow for positive partnerships to grow and thrive
- Ptnr 2. Partnering with public agencies is a cornerstone of our approach
- Ptnr 3. Engaging the community in design and governance is fundamental to the delivery of the project.
- Ptnr 4. Designing the project for community ownership and ultimate community control
- Ptnr 5. Supporting community housing through public and private partnering arrangements
- Ptnr 6. Collaborating with research and educational institutions to drive innovation.

EVALUATION PRINCIPLES

- Eva 1. Identifying and delivering realistic and costed initiatives
- Eva 2. Providing independent peer review of project proposals and project outcomes
- Eva 3. Using recognised international and national benchmarks for sustainability performance to publicly report and raise awareness of project outcomes
- Eva 4. Empowering resident and community monitoring and management of sustainability performance
- Eva 5. Encouraging a culture of continuous improvement.

ECOLOGICAL PRINCIPLES

- Eco 1. Acknowledging the intrinsic value of all species and the special role and regional significance of the Murrumbidgee river corridor and Gininderra Creek
- Eco 2. Respecting and supporting the ecosystem functions of air, soil and water, recognising the importance of living and non-living environmental resources
- Eco 3. Reducing greenhouse gas emissions through innovative products and place design, material selection and service provision
- Eco 4. Recognising our natural ecological limits and minimising our resource, water and energy consumption
- Eco 5. Using existing local infrastructure to deliver efficient renewable services and reusable resources
- Eco 6. Enhancing local opportunities for food production and production of materials
- Eco 7. Fostering a deep sense of respect for and connection to the land, flora and fauna.

SOCIAL AND CULTURAL PRINCIPLES

- Soc 1. Respecting and honouring Aboriginal and non-Aboriginal cultural, historical and spiritual values, including integrating with the existing rich, social fabric of Belconnen
- Soc 2. Designing for social equity, affordability, diversity and interdependence, honouring differences and catering for the needs of individuals through all stages of life
- Soc 3. Maximising health, safety and comfort of the built environment to provide enduring quality of life
- Soc 4. Instilling awareness and supporting education of sustainability values, technology and lifestyles
- Soc 5. Using creative and robust design solutions to create a continuing sense of place and beauty that inspires, affirms and ennobles
- Soc 6. Designing neighbourhoods that support and encourage community interactions through imaginative, functional and enjoyable public spaces

ECONOMIC PRINCIPLES

- Econ 1. Delivering a financial return to the ACT Government recognising their sovereign interest in the land
- Econ 2. Recognising the opportunities provided by the project's scale and low capital base to achieve high-level sustainability outcomes while delivering profitability to joint venture partners
- Econ 3. Building on existing local infrastructure
- Econ 4. Ensuring long-term economic viability through design excellence and community building
- Econ 5. Minimising obsolescence through design of enduring component life cycle, allowing for disassembly and change
- Econ 6. Integrating with the Belconnen commercial, retail and employment networks
- Econ 7. Growing a formal and informal green economy that fosters local jobs and builds regional learning around green innovation and technology

SCHEDULE B

GENERAL SCOPE

The scope of the Project is as attached Riverview Group Pty Ltd Scope of Works.

West Belconnen Project*“Creating a Sustainable Community of International Significance in the Nation’s Capital”***Research and report on European heritage****Consultancy Scope of Works**

Consultancy name:

European Heritage

Timeframe:

August – October 2013

Task study area:

See attached plan

| <u>Parcel</u> | <u>State</u> | <u>Approx. Area</u> |
|---------------|--------------|---------------------|
|---------------|--------------|---------------------|

ACT Land

| | | |
|---------------|-----|----------|
| Block 1605 | ACT | 665.8 ha |
| Block 1606 | ACT | 12.5 ha. |
| Block 1607 | ACT | 8.1 ha |
| Block 1420 | ACT | 2.7 ha |
| Pt block 1613 | ACT | 26.8 ha |

NSW Land

| | | |
|-------|-----|---------|
| Lot 1 | NSW | 91.8 ha |
| Lot 2 | NSW | 80 ha |
| Lot 3 | NSW | 80 ha |
| Lot 7 | NSW | 80 ha |

ACT Parkwood Land

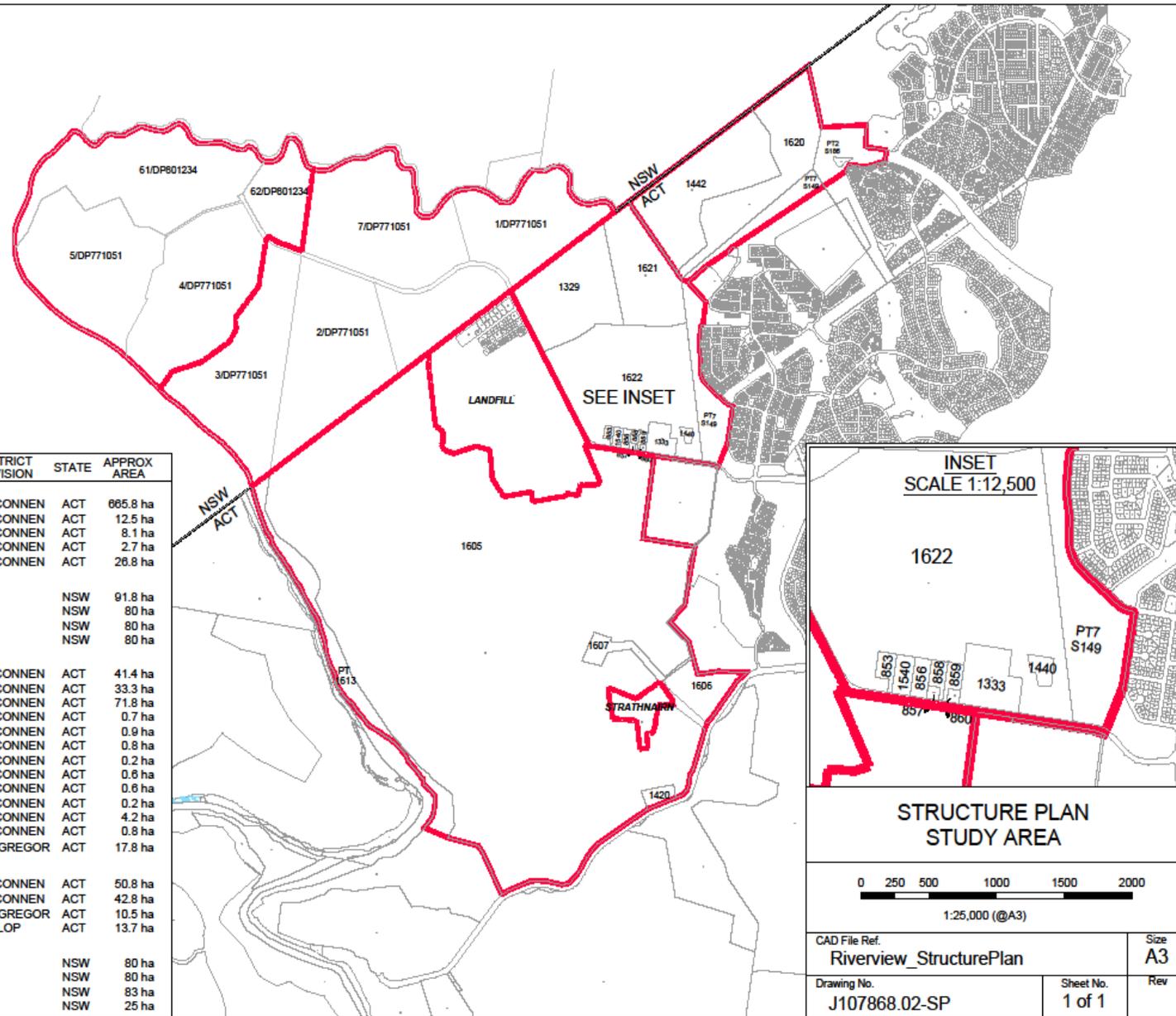
| | | |
|------------------------------|-----|---------|
| Block 1329 | ACT | 41.4 ha |
| Block 1621 | ACT | 33.3 ha |
| Block 1622 | ACT | 71.8 ha |
| Block 853 | ACT | 0.7 ha |
| Block 1540 | ACT | 0.9 ha |
| Block 856 | ACT | 0.8 ha |
| Block 857 | ACT | 0.2 ha |
| Block 858 | ACT | 0.6 ha |
| Block 859 | ACT | 0.6 ha |
| Block 860 | ACT | 0.2 ha |
| Block 1333 | ACT | 4.2 ha |
| Block 1440 | ACT | 0.8 ha |
| Pt Block 7 Sec 149 Macgregor | | 20 ha |

ACT Ginninderra Creek

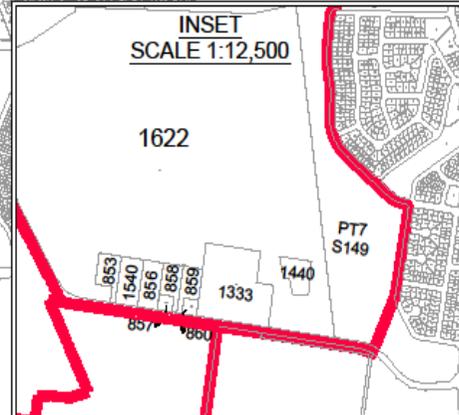
| | | |
|-----------------------------|-----|---------|
| Block 1442 | ACT | 50.8 ha |
| Block 1620 | ACT | 42.8 ha |
| Pt. Bl. 7 Sec 149 Macgregor | | 10.5 ha |
| Pt. Bl. 2 Sec 186 Dunlop | | 13.7 |

| | | | | | | | | | | | | | |
|--------------------------|---|-------|-----|-------|-------|-----|-------|--------|-----|-------|--------|-----|-------|
| | <p>NSW Neighbour lots</p> <table border="0"> <tr> <td>Lot 4</td> <td>NSW</td> <td>80 ha</td> </tr> <tr> <td>Lot 5</td> <td>NSW</td> <td>80 ha</td> </tr> <tr> <td>Lot 61</td> <td>NSW</td> <td>83 ha</td> </tr> <tr> <td>Lot 62</td> <td>NSW</td> <td>25 ha</td> </tr> </table> <p>ACT Rural Block Belconnen 1332 (Strathnairn) excluded.</p> | Lot 4 | NSW | 80 ha | Lot 5 | NSW | 80 ha | Lot 61 | NSW | 83 ha | Lot 62 | NSW | 25 ha |
| Lot 4 | NSW | 80 ha | | | | | | | | | | | |
| Lot 5 | NSW | 80 ha | | | | | | | | | | | |
| Lot 61 | NSW | 83 ha | | | | | | | | | | | |
| Lot 62 | NSW | 25 ha | | | | | | | | | | | |
| <p>Background:</p> | <p>The proposal is for the development of the land for residential and related purposes. Of the total area approximately 50% of the ACT land and a lesser proportion of the NSW land is expected to be zoned for river corridor or conservation purposes. The balance of the land is anticipated to yield approximately 4,500 dwellings in the ACT and 3,500+ in NSW.</p> <p>Development is intended to commence at Stockdill Drive (the eastern boundary of the site), and initially extend westward in stages to the ACT/NSW border. Assuming a sales rate of approximately 400 dwellings per year the project will extend over a period of approximately eleven years following commencement of sales. A commencement date for the development of the NSW land is not yet determined.</p> <p>Detailed resolution of the site design, numbers and sizes of blocks, provisions for schools, other community facilities, open space and the like will be subject to the outcomes of a structure planning process and subsequent detailed design for each stage. The first step will be the preparation of a structure plan; this will be a substantial document including plans and supporting technical reports that will provide the basis for proposals for rezoning the land under the Territory and National Capital plans.</p> <p>For the ACT land it will be necessary to achieve rezoning under the Territory Plan and the National Capital Plan, which in turn will require certain environmental approvals to be in place, and development approval for a first stage subdivision. The NSW land will also require rezoning under the Yass valley Shire planning Scheme.</p> | | | | | | | | | | | | |
| <p>Task description:</p> | <p>To undertake necessary research and investigations and prepare a report on the European heritage of the study area, incorporating the works completed to date as set out in the background documents listed below.</p> <p>Report to identify any features that are of heritage interest and provide an assessment of appropriate options for the future management of such features in the context of urban development.</p> <p>Report to provide a commentary on the European heritage of the study area that may inform future social and cultural planning for the proposed new community.</p> <p>Report to provide sufficient information to substantiate proposals to rezone the land for urban development including the identification of</p> | | | | | | | | | | | | |

| | |
|------------------------|--|
| | <p>any requirements for heritage management or protection that should be incorporated into rezoning proposals.</p> <p>Design process</p> <ul style="list-style-type: none"> • Design process to include design workshop/s with the consultant team that will be facilitated by the consultation consultant. Allow three days. <p>Consultation</p> <ul style="list-style-type: none"> • Design process to include public consultation, allow 3 days for participation in public consultation, to be facilitated by consultation consultant . <p>Liaison may be required with agencies as follows (allow 2 X meetings with each):</p> <ul style="list-style-type: none"> • NSW state heritage agencies • ACT heritage unit |
| Background information | <p>NSW AREA NEAR WEST BELCONNEN Advice on Heritage Matters Eric Martin and Associates 17 February 2011</p> <p>BELCONNEN WEST BLOCKS 1605 & 1606 Advice on Heritage Matters Eric Martin and Associates 28 February 2011</p> <p>BELCONNEN FARM CONSERVATION & MANAGEMENT PLAN Eric Martin and Associates To be finalised shortly</p> |
| Task Components | <p>Due to differing ownership arrangements this task is to be completed and invoiced in parts; fee submissions should be divided similarly as follows:</p> <ul style="list-style-type: none"> • ACT land • NSW land • NSW Neighbours lots • ACT Parkwood & Ginninderra Creek land |



| PARCEL | DISTRICT / DIVISION | STATE | APPROX AREA |
|------------------------------|---------------------|-------|-------------|
| ACT LAND | | | |
| BLOCK 1605 | BELCONNEN | ACT | 665.8 ha |
| BLOCK 1606 | BELCONNEN | ACT | 12.5 ha |
| BLOCK 1607 | BELCONNEN | ACT | 8.1 ha |
| BLOCK 1420 | BELCONNEN | ACT | 2.7 ha |
| BLOCK 1613 (PT) | BELCONNEN | ACT | 26.8 ha |
| NSW LAND | | | |
| LOT 1 / DP771051 | | NSW | 91.8 ha |
| LOT 2 / DP771051 | | NSW | 80 ha |
| LOT 3 / DP771051 | | NSW | 80 ha |
| LOT 7 / DP771051 | | NSW | 80 ha |
| ACT PARKWOOD LAND | | | |
| BLOCK 1329 | BELCONNEN | ACT | 41.4 ha |
| BLOCK 1621 | BELCONNEN | ACT | 33.3 ha |
| BLOCK 1622 | BELCONNEN | ACT | 71.8 ha |
| BLOCK 853 | BELCONNEN | ACT | 0.7 ha |
| BLOCK 1540 | BELCONNEN | ACT | 0.9 ha |
| BLOCK 856 | BELCONNEN | ACT | 0.8 ha |
| BLOCK 857 | BELCONNEN | ACT | 0.2 ha |
| BLOCK 858 | BELCONNEN | ACT | 0.6 ha |
| BLOCK 859 | BELCONNEN | ACT | 0.6 ha |
| BLOCK 880 | BELCONNEN | ACT | 0.2 ha |
| BLOCK 1333 | BELCONNEN | ACT | 4.2 ha |
| BLOCK 1440 | BELCONNEN | ACT | 0.8 ha |
| BLOCK 7 SEC 149 (PT) | MACGREGOR | ACT | 17.8 ha |
| ACT GINNINDERRA CREEK | | | |
| BLOCK 1442 | BELCONNEN | ACT | 50.8 ha |
| BLOCK 1620 | BELCONNEN | ACT | 42.8 ha |
| BLOCK 7 SEC 149 (PT) | MACGREGOR | ACT | 10.5 ha |
| BLOCK 2 SEC 186 (PT) | DUNLOP | ACT | 13.7 ha |
| NSW NEIGHBOUR LOTS | | | |
| LOT 4 / DP771051 | | NSW | 80 ha |
| LOT 5 / DP771051 | | NSW | 80 ha |
| LOT 81 / DP801234 | | NSW | 83 ha |
| LOT 82 / DP801234 | | NSW | 25 ha |



| | | |
|---|----------------------------|-----|
| STRUCTURE PLAN STUDY AREA | | |
| | | |
| 1:25,000 (@A3) | | |
| CAD File Ref. Riverview_StructurePlan | Size A3 | |
| Drawing No. J107868.02-SP | Sheet No. 1 of 1 | Rev |

SCHEDULE C

MISCELLANEOUS ITEMS

1. Date of commencement of Services:

July 2013.....
(Clause 1.2)

Date by which Services must be completed:

.....As per contractors program for Defect Liability Period sign off and final account
(Clause 1.2)

Services to be carried out in accordance with programme titled:

As required
(Clause 12)

2. Public liability insurance with

.....

- Limit of cover (if nothing stated - \$20,000,000):

.....

- Policy number: Expiry Date:.....

3. Professional indemnity insurance with

.....

- Limit of cover (if nothing stated - \$10,000,000):

.....

- Policy number..... Expiry Date:.....

- The insurance to be maintained under clause 5.3 must provide that there is at least one automatic reinstatement per annum of the limit of liability.

4. Product Liability insurance with

.....

- Limit of cover (if nothing stated - \$20,000,000):

.....

- Policy number..... Expiry Date:.....

- The insurance to be maintained under clause 5.3 must provide that there is at least one automatic reinstatement per annum of the limit of liability

5. Workers Compensation insurance with

.....

- Policy number..... Expiry Date:.....

- The insurance to be maintained under clause 5.3 must provide that there is at least one automatic reinstatement per annum of the limit of liability

SCHEDULE D

CONFIDENTIALLY AGREEMENT

DEED OF CONFIDENTIALITY

THIS DEED is made on 2013

BY:

of

(Confidant)

IN FAVOUR OF:

LAND DEVELOPMENT AGENCY ABN 20 419 925 579 of TransACT House, 470 Northbourne Avenue, Dickson ACT 2602 (LDA)

BACKGROUND

- A. Information to be provided by the LDA or to be made available to the Confidant will include confidential or personal information belonging to, or in the possession of, the LDA.
- B. The LDA and the Confidant agree that it is necessary to take all reasonable steps (including the execution of this Deed) to ensure that the LDA's confidential information is kept confidential.

IT IS AGREED AS FOLLOWS:

1. Interpretation

1.1 The following definitions apply in this Deed unless the context otherwise requires.

“confidential information” means the kind of information that:

- (1) is or relates to documents, submissions, consultations, policies, strategies, practices and procedures of the LDA which are by their nature confidential;
- (2) is notified (whether in writing or not) by the LDA to the Confidant as confidential;
- (3) the Confidant knows or ought to know is confidential; or
- (4) is personal information,

but does not include information which:

- (5) is or becomes public knowledge other than by breach of this Deed;
- (6) has been independently developed or acquired by the Confidant; or
- (7) has been notified in writing by the LDA to the Confidant as being not confidential.

“**Territory**” means:

- (1) when used in a geographical sense, the Australian Capital Territory; and
- (2) when used in any other sense, the body politic established under the *Australian Capital Territory (Self-Government) Act 1988* (Cth).

1.2 In this Deed, unless the context otherwise requires:

- (1) words in the singular number include the plural and vice versa; and references to legislation or to provisions in legislation include references to amendments or re-enactments of them and to all regulations and instruments issued under the legislation;
- (2) clause headings are for convenient reference only and have no effect on the interpretation of the provisions to which they refer; and
- (3) a reference to a “person” includes a body corporate.

2. Non-disclosure of confidential information

- 2.1 The Confidant must not, at any time during or after the provision of the Services, without the prior written consent of the LDA, nor at any time after the expiration of this Deed, disclose the confidential information to any person nor remove the confidential information from the possession or premises of the LDA.
- 2.2 The LDA may grant or withhold its consent for purposes of clause 3.1 in its absolute and unfettered discretion. If the LDA grants its consent, it may impose conditions on that consent and the Confidant must comply with those conditions.
- 2.3 The Confidant will maintain strict confidentiality regarding the confidential information.
- 2.4 The obligations of the Confidant under this Deed will not be taken to have been breached where the confidential information is legally required to be disclosed.
- 2.5 The Confidant must immediately deliver to the LDA all documents in his/her control containing the confidential information as soon as they are demanded by the LDA (whether in writing or not).

3. Restrictions on use

The Confidant will use the confidential information only for the purposes of undertaking the Services, and as otherwise directed by the LDA.

4. Indemnity

The Confidant will indemnify and keep indemnified the LDA, its employees and agents in the event of all claims, costs and expenses made against any of them in respect of injury, loss or any damage suffered by any person as a consequence of the Confidant breaching this Deed, except to the extent to which a relevant claim arises out of the act or omission of the LDA.

5. Legal proceedings

The Confidant acknowledges that the LDA may take legal proceedings against the Confidant or third parties if there is any actual, threatened or suspected breach of this Deed, including proceedings for an injunction to restrain such breach.

6. Governing law

This Deed is governed and construed in accordance with the law for the time being in force in the Territory and the parties submit to the non-exclusive jurisdiction of the Courts of the Territory.

SIGNED as a Deed on the date written on page 1.

| | | |
|----------------------|---|------------------------|
| |) | |
| Print Name in Full |) | Signature of Confidant |
| |) | |
| in the presence of: |) | |
| |) | |
| |) | |
| |) | |
| Signature of witness |) | |

.....
Name of witness

SCHEDULE E

1. FEE SUBMISSION

1.1. Fee Calculation General

The remuneration of the Consultant is the total of the amounts referred to in Clause 1.2 below. All amounts are GST exclusive.

1.2. Fee Breakdown

- ACT LAND :-
- PARKWOOD (LDA) :-
- NSW LAND (REID & STEVENS P/L) :-
- NSW LAND (Neighbours) :-

2. Hourly Rates

The following hourly rates shall be used as a basis for valuation of any additional approved works for which an hourly rate reimbursement basis is agreed to be appropriate. These rates shall remain fixed until Project completion:

| | | |
|--------------------|---|---------|
| Director | - | \$ 0.00 |
| Associate Director | - | \$ 0.00 |
| Senior Architect | - | \$ 0.00 |
| Architect | - | \$ 0.00 |
| Technician | - | \$ 0.00 |
| CAD Operator | - | \$ 0.00 |
| Administration | - | \$ 0.00 |

Fee inclusive of support staff and costs and expenses

The Consultant's remuneration is inclusive of the cost of all necessary clerical and supportive staff (such as clerks and stenographers) and all statutory and other costs (such as payroll tax, holiday pay, sickness benefits, long service leave, superannuation, and fringe benefits tax). The Consultant shall at its own expense provide all necessary facilities such as office accommodation, telephone, and facsimile services required for the performance of its obligations under this deed.

7. VALUE FOR MONEY

The fee submission shall include a details and statement regarding Value for money for LDA for the services being provided.

- i) The Consultant must detail their proposed methodology including:-
 - a) Purpose, role and subject matter;
 - b) Proposed study strategy, consultation tools and method;
 - c) Value added features

- ii) Demonstrate record of consultancy experience and competencies to relevant studies:-
 - a) Previous work of similar type;
 - b) Project resources details;
 - c) Reference from three previous clients undertaking similar roles on similar size project.

- iii) The Consultant to provide individual consultant skills and experience for similar projects:-
 - a) Provide resumes for each consultant team member proposed for scope of works including and not limited to qualifications, skills and experience;
 - b) Availability of nominated consultants team members for the scope of works;
 - c) Structure proposed by your consultant team for the project;

- iv) The Consultant to demonstrate support resources for delivery of the scope of works within the proposed timeframe:-
 - a) As per clause 4 Program provide detailed program of tasks;
 - b) Provide an indication of the relationship between time, scoped task and team members;
 - c) Capacity and resources to respond to critical matters at short notices or adjust delays.

- v) The consultant to demonstrate how life cycles costs will be considered in the scope of works

- vi) The Consultant to provide details that they understand the obligations of the Project Objectives and provide details how they will manage their scope of works to assess compliance or review of these Project Objectives.

8. FEE SUBMISSION

The fee submission shall be submitted by the 26/07/13.

The fee submission can be issued by mail, fax or email to the following:-

Mail :- Riverview Group
P.O. BOX 463
WAHROONGA NSW 2076

Fax :- 02 9487 6172

Email:- steve@abshop.com.au

9. CONTACT POINT

STEPHEN CHARLTON MOBILE: 0412 272 537
PHONE: 02 9487 4293
EMAIL: steve@abshop.com.au