

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

**Name:** O'Dell's Hut  
**Address:** Odells Track, Brookville  
**Local Government Authority:** East Gippsland Shire  
**Provisional VHR No.** PROV VHR H2411



O'Dell's Hut (2020)

## Executive Director recommendation

Under Part 3, Division 3 of the *Heritage Act 2017* ('the Act') I recommend to the Heritage Council of Victoria that O'Dell's Hut, Odells Track Brookville, should be included in the Victorian Heritage Register (VHR) in the category of registered object.

**STEVEN AVERY**  
Executive Director, Heritage Victoria  
DATE OF RECOMMENDATION: 19 January 2022



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Executive Director recommendation to the Heritage Council of Victoria

The Executive Director, Heritage Victoria ('Executive Director'), recommends that the Heritage Council include O'Dell's Hut, Odells Track Brookville, in the VHR in accordance with section 49 of the Act by determining:

- That O'Dell's Hut is of State-level cultural heritage significance and should be included in the VHR in the category of registered object in accordance with section 49(1)(a) of the Act.
- That the proposed extent of registration is appropriate under section 49 (d) of the Act.
- That the proposed categories of works or activities which may be carried out in relation to O'Dell's Hut for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49 (3) of the Act.

### Site Visit Statement 2021-22

In this instance, the assessor was not able to undertake a site inspection; however, it was felt there was sufficient information for a recommendation to be made. The hut is a comparatively simple structure which can be readily understood via photographs and descriptions. It is well known to staff at the local DELWP office at Swifts Creek who have thoroughly documented it. Their knowledge of the hut, and the detailed documentation they were able to provide, has informed this assessment. The assessor has also consulted with a Heritage Victoria staff member who has previously inspected the place. In 2018 Miles Lewis documented the hut and his report has also informed this assessment.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## The process from here

### 1. The Heritage Council publishes the Executive Director's recommendation (section 41).

The Heritage Council will publish the Executive Director's recommendation on its website for a period of 60 days.

### 2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60-day publication period, any person or body with a real and substantial interest in the place or object can make a submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the Heritage Council of Victoria's website:

<https://heritagecouncil.vic.gov.au/registrations-reviews/executive-director-recommendations/>

### 3. Heritage Council determination (sections 46 and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place or object in the VHR, or amend a place or object already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

### 4. Obligations of owners of places and objects (sections 42 and 43)

The owner of a place or object which is the subject of a recommendation to the Heritage Council has certain obligations under the *Heritage Act 2017*. These relate to advising the Executive Director, Heritage Victoria in writing of any works or activities that are being carried out, proposed or planned for the place or object.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place or object before entering into a contract.

### 5. Further information

The relevant sections of the Act are provided at Appendix 1.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Description

O'Dell's Hut is located within the Mt Delusion State Forest west of the township of Swifts Creek in East Gippsland. It sits on Odells track near the intersection with Bayliss Spur road on a gentle slope surrounded by predominately Messmate (*Eucalyptus obliqua*) forest. It is a single room, stud-framed structure, approximately 4 metres long and 2 metres wide and clad with weatherboards. It has a segmentally arched corrugated iron roof branded with a Morewood & Co 'Star' stamp on the underside. The hut has a timber door, projecting sheet iron chimney and a single glazed window. A smith-forged door lock attaches to the chimney. The chimney is supported on a section of narrow-gauge steel rail. The whole structure is mounted on a pair of timber skids (replaced in 2018) shod with iron straps which run the full length of the skids and are attached to tow hitches at one end. Internally, the hut is minimally fitted out with only a simple timber mantelpiece and timber floorboards.



2020, north and west sides of O'Dell's Hut, with doorway and chimney visible. Timber skids are indicated by the arrow.

Provided by Malcolm Smith, DELWP



2020, north and east side of O'Dell's Hut. Iron straps are indicated by the arrow.

Provided by Malcolm Smith, DELWP



2020, O'Dell's Hut.

Provided by Malcolm Smith, DELWP



2017, detail of door closure which attaches to chimney.

Provided by Malcolm Smith, DELWP

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



2020, detail of mantelpiece.  
Provided by Malcolm Smith, DELWP



2020, detail of underside of roof showing Morewood & Co  
'Star' brand stamp.  
Provided by Malcolm Smith, DELWP

## History

### Huts in Victoria

Timber or bark huts have been utilised by Aboriginal people throughout Victoria for many thousands of years. They were also the predominate form of housing used by Europeans during the early years of colonisation. While other building types rapidly developed in Victoria, huts continued to play an important role in rural and remote areas of Victoria such as Gippsland and the Alpine regions throughout the twentieth century. Many huts were associated with grazing or mining and were generally designed to provide only temporary, sometimes seasonal, accommodation.

In the nineteenth and early twentieth century, building materials for huts were generally gathered from the immediate vicinity. Huts were of usually of a simple gable roof form, with semi-detached stone or sheet metal chimneys frequently a feature. After World War I, a greater proportion of machine processed materials, including extensive use of corrugated iron, began to appear.<sup>1</sup> Weatherboards were a less common material. Many huts of all types throughout Gippsland and the High Country were destroyed in the 1939 bushfires. A great many surviving huts are from the 1930s onwards, and particularly from the post-war era.<sup>2</sup>

In the post-war era, huts were important to government forestry, road building, surveying and construction efforts.<sup>3</sup> The State Electricity Commission (SEC) installed a large number of huts to provide refuges for workers, as did the Forestry Commission. Other huts were established for recreational use. Huts in the post-war era were often prefabricated and used material such as asbestos sheeting.

There has been a tradition of moving and repurposing of huts. For example, huts installed by the SEC surveyors or the Country Roads Board were at times re-appropriated by cattlemen. Huts continue to be utilised, often for recreational purposes, but continue to be under threat from bushfire, storms, vandalism and misuse.

---

<sup>1</sup> Graeme Butler, *The Victorian Alpine Huts Heritage Survey*, 1996, p. 29.

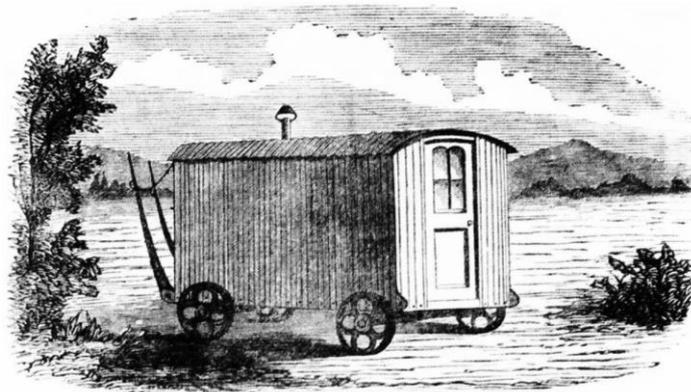
<sup>2</sup> Butler, *Ibid.*, p. 31.

<sup>3</sup> Peter McHugh, 'Forest Camps', Victoria's Forestry Heritage website <<https://www.victoriasforestryheritage.org.au/activities1/building-infrastructure/181-forest-facilities-tbc.html>>.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Portable and pre-fabricated buildings in Victoria

In the early nineteenth century in Britain, a substantial industry developed to support housing pre-fabrication that accompanied colonial expansion and meet the demand for housing in the colonies. Initially timber predominated as a building material, but by the mid-nineteenth century, technology in engineering and metal smelting had advanced to enable the easy production of iron buildings. During the 1850s, large numbers of prefabricated buildings were imported from Britain to Victoria. The goldrush saw a housing shortage resulting from a sudden increase in population and a rush of labour to the goldfields. Ordered from a catalogue, buildings ranged from modest cottages to government buildings and churches. The term 'portable building' covered all manner of pre-fabricated construction, from structures that were entirely pre-assembled and moved whole, to buildings shipped as series of separate, standardised parts. Timber buildings initially pre-dominated but pre-fabricated iron houses followed.<sup>4</sup> Small huts that could be moved whole were utilised to accommodate mobile workforces, such as shepherds and road crews.<sup>5</sup> These either had an obvious form of portability such as wheels included as part of the building structure or could be moved whole on a form of transport. Pre-fabricated and portable buildings played a key role during World War II in forms such as the Nissen Hut and again played an important role following World War II to address the shortage of housing and building materials.



A Braby's Ltd shepherd hut, advertised in Britain in 1898.  
Source: Miles Lewis, 'O'Dell's Hut neat Swift's Creek, East Gippsland', 2018.



1924, Rail workers loading portable huts on to rail trucks, Millewa District.

<sup>4</sup> Miles Lewis, 'The Diagnosis of Prefabricated Buildings', *Australian Historical Archaeology*, 3, 1985, p56.

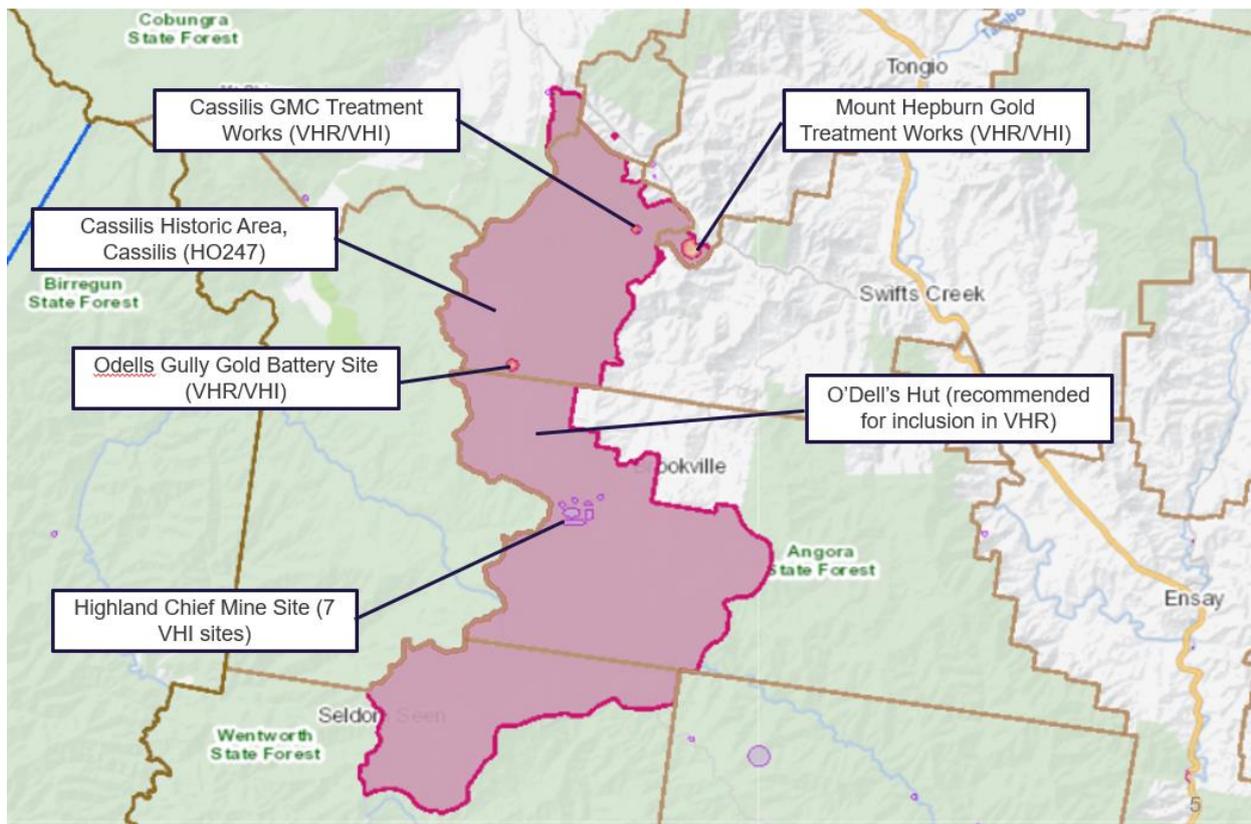
<sup>5</sup> Miles Lewis, 'O'Dell's Hut neat Swift's Creek, East Gippsland', 2018.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Goldmining in the Brookville/Swifts Creek area

Gold was officially recorded as being present in the area around Omeo in 1852 and alluvial mining at nearby locations like Sheepstation (later Brookville), Swifts Creek, Haunted Stream and Doctors Flat commenced through the 1850s and 1860s. The focus shifted to extraction of gold from quartz reefs and by the 1890s several large gold batteries and treatment works had been established in the area. Ore was heavily mineralised and elaborate chemical processes and large plants were required to extract gold.<sup>6</sup> Mount Hepburn Treatment Works was a major mining operation from 1896 until 1907. The Cassilis Gold Mining Company was formed in 1897 and established a substantial gold treatment works utilising hydro-electric power.<sup>7</sup> Large populations grew around the major mines and treatment works and the population of the Brookville area swelled to approximately 500 by 1895. Further to the south of Cassilis and Mount Hepburn, and in close proximity to the current location of O'Dell's Hut, a gold battery site utilising a portable steam engine was established at Odells Gully.<sup>8</sup> Further to the south again a company was formed to mine the Highland Chief reef in the 1896 with around 30 houses and other buildings forming a small settlement around the mine.<sup>9</sup> As accessible gold was quickly depleted, large mines were closed around World War I. Some mining, including reworking of existing mines, continued through the 1920s, 1930s and 1940s.

There are remnants of mining activities including batteries, steam engines, cemeteries, water races, mines sites and historic artefacts throughout the area. Several sites are included in the VHR and Victorian Heritage Inventory. The concentration of historic sites is recognised via a Heritage Overlay in the East Gippsland Planning Scheme (see below).



<sup>6</sup> Victorian Heritage Register, 'Mount Hepburn Company Gold Treatment Works' <<https://vhd.heritagecouncil.vic.gov.au/places/11870>>; Cassilis Gold Mining Company Treatment Works <<https://vhd.heritagecouncil.vic.gov.au/places/11871>>.

<sup>7</sup> Keith McDonald Fairweather, *Time to remember: the history of gold mining on the Tambo and its tributaries*, p.44.

<sup>8</sup> Victorian Heritage Register, Odells Gully Gold Battery Site <<https://vhd.heritagecouncil.vic.gov.au/places/4997>>.

<sup>9</sup> Victorian Heritage Inventory, Highland Chief Mine Battery Site 1 <<https://vhd.heritagecouncil.vic.gov.au/places/194690>>.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Logging in the Brookville area

While commercial logging in East Gippsland dates to the late nineteenth century, logging activity in the region accelerated following the bushfires of 1939. During World War II timber getting in the Brookville/Swifts Creek area was taken over by military authority.<sup>10</sup> Jack Ezard established a substantial new sawmill at Swifts Creek in 1943. The 1950s was an era when logging increased across Gippsland to keep pace with demand from the construction industry. Use of technology such as diesel tractor increased and the Forestry Commission encouraged forest management.<sup>11</sup> The forests around Swifts Creek were logged intensively in the 1960s and 70s.<sup>12</sup> As well as Ezards, AV Jennings established a large sawmill near Swifts Creek to supply their construction operations.<sup>13</sup> O'Dell's Hut may have been relocated to its current position and used in logging activities at some point during this intensification of logging activity in the area between 1940s and 1970s.

## O'Dell's Hut

Little is known about the history of O'Dell's Hut and no direct reference to the hut has been found in documentary resources. However, several indications of its history are evident in the physical fabric. Its overall form, particularly the arched roof, is similar to portable huts designed for workers such as shepherds which were popular in Britain and seen on pastoral properties in Victoria in the nineteenth and early twentieth century. These were, however, most often on wheels rather than skids.<sup>14</sup>



A Tasker hut used as a road surveyor's office, late nineteenth century.  
Source: Miles Lewis, 'O'Dell's Hut near Swift's Creek, East Gippsland', 2018.

---

<sup>10</sup> Laurie T Boucher, *Whispers from the Mountain*, 1997, p. 3.

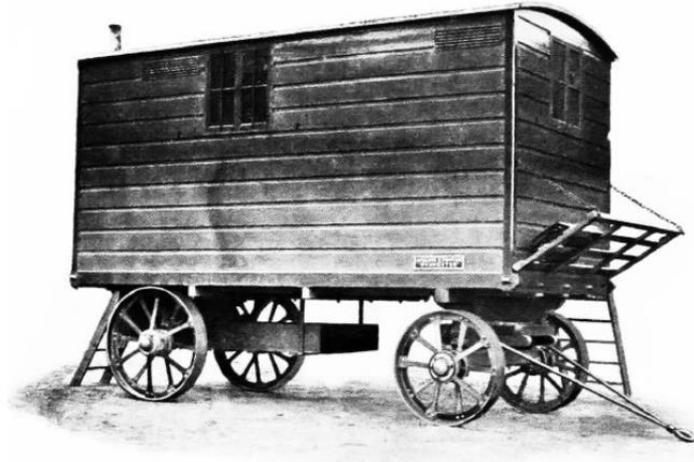
<sup>11</sup> Butler, 1996, p. 15.

<sup>12</sup> Butler, 1996, p. 16.

<sup>13</sup> Boucher, op, cit., p. 19.

<sup>14</sup> Miles Lewis, *O'Dell's Hut*, p. 4-5.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



Aveling & Porter Ltd travelling sleeping van designed to be attached to a steam plough, 1904.  
Source: Miles Lewis, 'O'Dell's Hut neat Swift's Creek, East Gippsland', 2018.

It also exhibits several similarities to portable huts used by road crews in Victoria in the late nineteenth century. Requests for portable huts often appear in meeting records and tenders from the period. It may be possible that O'Dell's Hut is an adapted former shepherd hut or road crew hut.



J.F. Watkin's Contracting Team Carrying Out Road & Bridge Work, Beaufort, Victoria, c1880. The hut second from the left has some similarities to O'Dell's Hut.  
Source: Museum Victoria

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

The star on the underside of the arched roof appears to be the brand of Morewood & Co Star brand, advertised as being available in Melbourne in the 1860s and available no later than the 1880s. The smith-wrought iron of the skids and tow hitches is likely also nineteenth-century material. Possible early twentieth century material include the steel narrow-gauge rail supporting the chimney and nails to the weatherboards and roof. Welding to the rail is most likely post-1920.<sup>15</sup> The combination of materials may indicate that the hut was originally constructed in the mid to late nineteenth century and then adapted and remodelled in the early twentieth century.

The hut is located in the midst of this area of intensive late nineteenth century and early twentieth century goldmining activity. Given the date of some of the materials used in the hut's construction it seems likely it has an association with mining in the area – perhaps at either the nearby Odells Gully Gold Battery site or the Highland Chief Mine site. As Miles Lewis notes, the hut is well designed and neatly constructed, and in this way contrasts with other huts associated with mining in the area which are roughly constructed and not designed to be portable. This may be an indication that it was brought fully constructed from elsewhere for an important function such as a site office or as sleeping quarters for the likes of a mine manager.<sup>16</sup> The hut is also located in an area associated with timber getting to supply local sawmills – which was particularly intensive in the decades following World War II. It seems likely it would have been re-used and possibly adapted as accommodation or refuge for logging crews working in the forest. As seen in the comparisons below, there is a history of sawmills supplying portable huts to support logging activities in remote locations. Skids such as those found on O'Dell's Hut were commonly used in logging activities in Victoria and would have enabled it to be moved to different locations within the forest and would have suited logging activities.

## Selected bibliography

Butler, Graeme., *The Victorian Alpine Huts Heritage Survey*, 1996 & 2005.

Boucher, Laurie T., *Whispers from the Mountain*, Bairnsdale: 1997.

Lewis, Miles., 'O'Dell's Hut neat Swift's Creek, East Gippsland', 2018.

Lewis, Miles., 'The Diagnosis of Prefabricated Buildings', *Australian Historical Archaeology*, 3, 1985.

McDonald Fairweather, Keith., *Time to remember: the history of gold mining on the Tambo and its tributaries*, Doctors Flat: 1975.

McHugh, Peter., 'Forest Camps', Victoria's Forestry Heritage website <<https://www.victoriasforestryheritage.org.au/activities1/building-infrastructure/181-forest-facilities-tbc.html>>.

Victorian Heritage Register, 'Mount Hepburn Company Gold Treatment Works' <<https://vhd.heritagecouncil.vic.gov.au/places/11870>>; Cassilis Gold Mining Company Treatment Works <<https://vhd.heritagecouncil.vic.gov.au/places/11871>>; Odells Gully Gold Battery Site <<https://vhd.heritagecouncil.vic.gov.au/places/4997>>.

---

<sup>15</sup> Lewis, *O'Dell's Hut*.

<sup>16</sup> *Ibid.*, p. 3.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Further information

<b>Relevant Authority</b>	East Gippsland Shire
<b>Heritage Overlay</b>	O'Dell's Hut is within HO247 (Cassilis Historic Area, Cassilis) of the East Gippsland Planning Scheme.
<b>Other Overlays</b>	Bushfire Management Overlay
<b>Other Listings</b>	There are no other listings for this object.
<b>Other Names</b>	There are no other known names for this object.
<b>Date of construction</b>	c1910s-1920s
<b>Architect//Builder/Designer/Maker</b>	There is no known builder for this object.

### Traditional Owner Information

O'Dell's Hut is located on the traditional land of the Gunaikurnai people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC).

### Victorian Aboriginal Heritage Register

O'Dell's Hut is not included in the Victorian Aboriginal Heritage Register and is not within an area of Aboriginal cultural heritage sensitivity.

### Integrity

The integrity of O'Dell's Hut is excellent. Its cultural heritage values can be easily read in the extant fabric. (January 2022).

### Intactness

The intactness of O'Dell's Hut is very good. Although it may have been adapted at some point, its overall form appears to be intact and much early fabric remains. In 2018 a series of conservation works were carried out including replacing missing or deteriorated weatherboards, replacing the deteriorated timber skids and re-bracing of the chimney. These works introduced some new physical fabric which has been well documented. Such works to a timber building of this age are to be expected. (January 2022).

### Condition

As a result of the 2018 conservation works, the condition of the hut can be considered as very good. It has been so far unaffected by major threats such as bushfire (January 2022).

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place/object/object integral may be in very poor condition and still be of very high cultural heritage significance. Or a place/object/object integral may be in excellent condition but be of low cultural heritage significance.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria



2017, north and east sides of the hut prior to conservation works.

Provided by Malcolm Smith, DELWP



2017, west and south side of hut prior to conservation works.

Provided by Malcolm Smith, DELWP



c2017, remains of deteriorated timber sled to eastern end of the hut prior to replacement of timber. Iron straps and tow hitches were reinstated after the timer was replaced.

Provided by Malcolm Smith, DELWP



c2017, western end of the hut prior to conservation works where the timber ski had completely deteriorated. Iron strap and section of steel supporting chimney are visible.

Provided by Malcolm Smith, DELWP

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Statutory requirements under section 40.

### Terms of the recommendation (section 40 (3)(a))

The Executive Director, Heritage Victoria recommends that O'Dell's Hut is included in the VHR in the category of Registered Object.

### Information to identify the place or object (section 40(3)(b))

**Name:** O'Dell's Hut

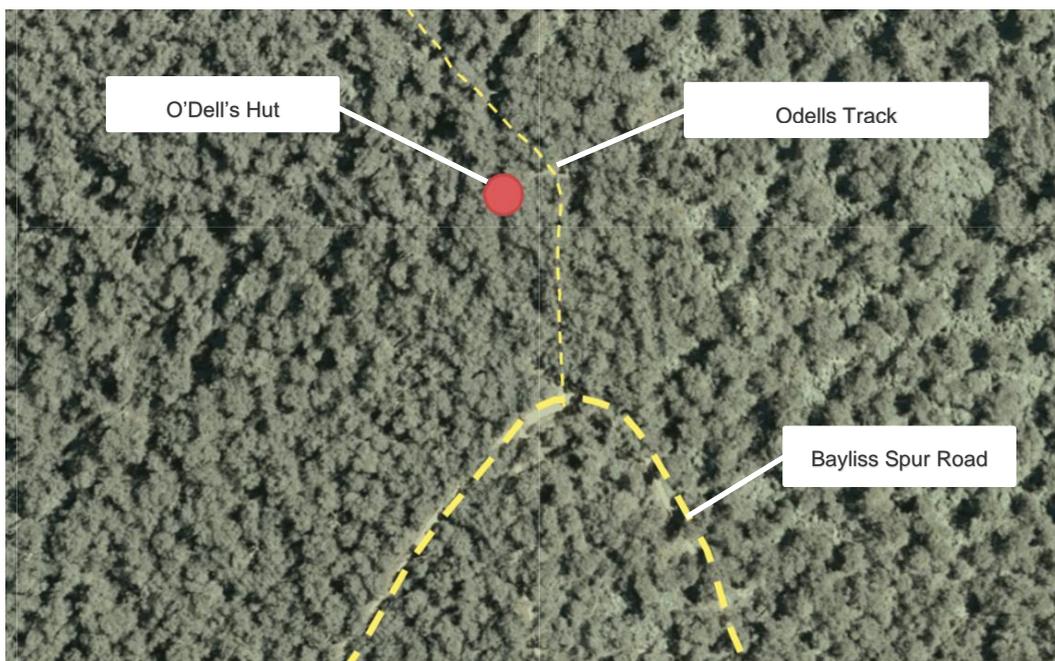
**Address:** Odells Track, Brookville

### Proposed extent of registration

The Executive Director recommends that the extent of registration for O'Dell's Hut be gazetted as:

All of the object known as O'Dell's Hut currently located on Odells Track near the junction with Bayliss Spur Road Brookville, Victoria.

### Aerial Photo of the O'Dell's Hut showing its location as of 2022



Note: This aerial view provides an indication of the location of the object. It is not a precise representation of the recommended extent of registration.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Rationale for the extent of registration

It is recommended the hut is registered as an object. This acknowledges the hut's history of portability which is a key part of its significance. It also acknowledges that the significance of the hut relates to the structure itself rather than its current context. The portable and prefabricated buildings already included in the VHR some are registered as objects and some as places. Those registered as objects include, for example, the Prefabricated Building (VHR H1971) in Keilor and Porter Prefabricated Iron Store (VHR H2248) originally in Geelong and now located in Ballarat. The recommendation that the hut is registered as an object is consistent with the nomination.

If the hut is registered as an object, the extent of registration will extend to the physical fabric of the hut only. The extent will not include an area of land around the hut and a permit or permit exemption from Heritage Victoria will not be required for works to the land around the hut. A permit or permit exemption from Heritage Victoria is required for any works to the fabric of the hut, apart from those identified in the categories of works or activities in this recommendation.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of place/object/object integral (section 40(3)(c))

Following is the Executive Director's assessment of O'Dell's Hut against the tests set out in *The Victorian Heritage Register Criteria and Thresholds Guidelines*. A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State level threshold for inclusion in the VHR.

### CRITERION A: Importance to the course, or pattern, of Victoria's cultural history.

#### Step 1: Test for satisfying Criterion A

The place/object has a *CLEAR ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history.

*plus*

The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.

*plus*

The *EVENT, PHASE, etc* is of *HISTORICAL IMPORTANCE*, having made a strong or influential contribution to Victoria.

#### Executive Director's Response

O'Dell's Hut has a clear association with the use of portable buildings Victoria. This association is evident in the physical fabric of the object, including in features such as its skids and tow hitches which clearly demonstrate its portability. It is not evident in documentary resources. Portable buildings are of historical importance, having made a strong contribution to Victoria during important phases of its development, such as in addressing housing shortages in the early colony and following the goldrush of the 1850s. They have also performed important functions in areas such as the provision of education, the development of the Victorian railways and the construction of Victoria's road network.

O'Dell's Hut also likely has an association with the processes of gold mining and logging in Victoria. These processes are of historical importance, having been major industries in Victoria and radically altering the environment. Although these associations are apparent in the hut's context they are not readily evident in the physical fabric of the hut itself or in documentary resources.

Step 1 of Criterion A is likely to be satisfied.

#### Step 2: Test for satisfying Criterion A at the State Level

The place/object allows the clear association with the event, phase etc. of historical importance to be *UNDERSTOOD BETTER THAN MOST OTHER PLACES OR OBJECTS IN VICTORIA WITH SUBSTANTIALLY THE SAME ASSOCIATION.*

#### Executive Director's Response

O'Dell's Hut does not allow the use of portable buildings in Victoria to be better understood than other places or objects with this association. There are a great number of portable and prefabricated buildings in Victoria and many are well understood and documented in contemporary sources such as adverts and patents. Others date from key

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

historical points in the use of portable buildings in Victoria such as the 1850s. These places and objects allow the use of portable buildings in Victoria to be better understood than O'Dell's Hut.

Criterion A is not likely to be satisfied at the State level.

## **CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.**

### **Step 1: Test for Satisfying Criterion B**

The place/object has a *clear ASSOCIATION* with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history.

*plus*

The association of the place/object to the event, phase, etc *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources or oral history.

*plus*

The place/object is *RARE OR UNCOMMON*, being one of a small number of places/objects remaining that demonstrates the important event, phase etc.

*or*

The place/object is *RARE OR UNCOMMON*, containing unusual features of note that were not widely replicated

*or*

The existence of the *class* of place/object that demonstrates the important event, phase etc is *ENDANGERED* to the point of rarity due to threats and pressures on such places/objects.

### **Executive Director's Response**

O'Dell's Hut has a clear association with the use of portable buildings in Victoria. This association is evident in the physical fabric of the place.

It is not one of a small number of places that demonstrate the use of portable buildings.

O'Dell's Hut is rare as an example of an early portable hut. It contains unusual features of note that were not widely replicated. The hut is uncommon in that it retains obvious evidence of its portability in features such as its skids and tow hitches. Its form is uncommon amongst huts in Victoria. It retains a corrugated iron roof with the Morewood & Co Star brand which likely dates from between the 1860s and 1880s.

O'Dell's Hut is part of the class of portable buildings. There are many other known examples throughout Victoria, the class cannot be considered endangered to the point of rarity.

Step 1 of Criterion B is likely to be satisfied.

### **Step 2: State Level Significance Test for Criterion B**

The place/object is *RARE, UNCOMMON OR ENDANGERED* within Victoria.

### **Executive Director's Response**

O'Dell's Hut is rare and uncommon within Victoria as a small portable hut which may have its origins in the late nineteenth century and have been remodeled in the early twentieth century. While portable huts were known to have been used by mobile workforces such as shepherds and road crews, there are no known surviving similar examples in Victoria. Examples of portable huts identified by Graeme Butler in the *Victorian Alpine Huts Heritage Survey* are all likely later than O'Dell's Hut. There are no other known examples of a Morewood & Co Star brand roof in Victoria, adding to the object's rarity.

Criterion B is likely to be satisfied at the State level.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## **CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.**

### **Step 1: Test for Satisfying Criterion C**

<p>The:</p> <ul style="list-style-type: none"><li>• visible physical fabric; &amp;/or</li><li>• documentary evidence; &amp;/or</li><li>• oral history,</li></ul> <p>relating to the place/object indicates a likelihood that the place/object contains <i>PHYSICAL EVIDENCE</i> of <i>historical interest</i> that is <i>NOT CURRENTLY VISIBLE OR UNDERSTOOD</i>.</p> <p><i>plus</i></p> <p>From what we know of the place/object, the physical evidence is likely to be of an <i>INTEGRITY</i> and/or <i>CONDITION</i> that it <i>COULD YIELD INFORMATION</i> through detailed investigation.</p>
--

### **Executive Director's Response**

O'Dell's Hut is a simple structure that is unlikely to contain physical evidence of historical interest that is not currently visible or understood. Its current form and fabric have been thoroughly documented and are well understood.

Step 1 of Criterion C is not likely to be satisfied.

## **CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects.**

### **Step 1: Test for Satisfying Criterion D**

<p>The place/object is one of a <i>CLASS</i> of places/objects that has a <i>clear ASSOCIATION</i> with an event, phase, period, process, function, movement, important person(s), custom or way of life in Victoria's history.</p> <p><i>plus</i></p> <p>The <i>EVENT, PHASE, etc</i> is of <i>HISTORICAL IMPORTANCE</i>, having made a strong or influential contribution to Victoria.</p> <p><i>plus</i></p> <p>The principal characteristics of the class are <i>EVIDENT</i> in the physical fabric of the place/object.</p>
--

### **Executive Director's Response**

O'Dell's Hut is of a class of portable building. Portable buildings are of historical importance, having played a role in provision of buildings at key points in Victoria's history and for important functions. The principal characteristics of the class, being simple design, modest size, use of readily available materials, and ease of portability are evident in O'Dell's Hut.

Step 1 of Criterion D is likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Step 2: State Level Significance Test Criterion D

The place/object is a *NOTABLE EXAMPLE* of the class in Victoria (refer to Reference Tool D).

### *Executive Director's Response*

Under the definitions provided in Reference Tool D, O'Dell's Hut cannot be considered a notable example of its class because it cannot be considered fine, highly intact, influential or pivotal on the basis of examination of its physical fabric. While its design demonstrates ingenuity it cannot be considered fine in comparison to portable buildings such as Lyndhurst Hall (VHR H0964). While it may be derived from a standard type, it cannot be considered to have influenced the design of other buildings. It exhibits fabric from different eras. While this contributes to its rarity and historical interest it cannot be considered highly intact in comparison to other portable buildings in Victoria.

It exhibits uncommon features of interest and can be considered rare within the State of Victoria but these attributes are best captured under Criterion B.

Criterion D is likely to be satisfied at the State level.

## **CRITERION E: Importance in exhibiting particular aesthetic characteristics.**

### Step 1: Test for Satisfying Criterion E

The *PHYSICAL FABRIC* of the place/object clearly exhibits particular aesthetic characteristics.

### *Executive Director's Response*

O'Dell's Hut exhibits particular aesthetic characteristics in its neat design, modest form and simple timber construction. These aesthetic characteristics are enhanced by its location on a forested sloped.

Step 1 of Criterion E is likely to be satisfied.

### Step 2: State Level Significance Test for Criterion E

The aesthetic characteristics are *APPRECIATED OR VALUED* by the wider community or an appropriately-related discipline as evidenced, for example, by:

- *critical recognition* of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline as an outstanding example within Victoria; or
- *wide public acknowledgement of exceptional merit* in Victoria in medium such as songs, poetry, literature, painting, sculpture, publications, print media etc.

### *Executive Director's Response*

The aesthetic characteristics of O'Dell's Hut may be appreciated by those who visit it but there is no evidence that these characteristics are appreciated or valued by the wider community or and appropriately related discipline.

Criterion E is not likely to be satisfied at the State level.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## **CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.**

### **Step 1: A Test for Satisfying Criterion F**

The place/object contains *PHYSICAL EVIDENCE* that clearly demonstrates creative or technical *ACHIEVEMENT* for the time in which it was created.

*plus*

The physical evidence demonstrates a *HIGH DEGREE OF INTEGRITY*.

### **Executive Director's Response**

O'Dell's Hut exhibits considered design and construction in its resourceful use of materials and solution to the requirement of portability. It demonstrates ingenuity in its use of timber skids. Although it is an interesting structure it does not demonstrate a particular creative or technical achievement for the time.

Step 1 of Criterion F is not likely to be satisfied.

## **CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.**

### **Step 1: Test for Satisfying Criterion G**

Evidence exists of a community or cultural group.

*(A community or cultural group is a group of people who share a common interest, including an experience, purpose, belief system, culture, ethnicity or values.)*

*plus*

Evidence exists of a strong attachment between the **COMMUNITY OR CULTURAL GROUP** and the place/object in the present-day context.

*plus*

Evidence exists of a time depth to that attachment.

### **Executive Director's Response**

There is no evidence of the existence of a community or cultural group with a strong attachment to the hut in the present-day context.

Step 1 of Criterion G is not likely to be satisfied.

## **CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.**

### **Step 1: Test for Satisfying Criterion H**

The place/object has a *DIRECT ASSOCIATION* with a person or group of persons who have made a strong or influential *CONTRIBUTION* to the course of Victoria's history.

*plus*

The *ASSOCIATION* of the place/object to the person(s) *IS EVIDENT* in the physical fabric of the place/object and/or in documentary resources and/or oral history.

*plus*

The *ASSOCIATION*:

- directly relates to *ACHIEVEMENTS* of the person(s) at, or relating to, the place/object; or
- relates to an *enduring* and/or *close INTERACTION* between the person(s) and the place/object.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## ***Executive Director's Response***

O'Dell's Hut likely has an association with miners and loggers in the Brookville/Swifts Creek area. Although highly likely, this association is not readily evident in the fabric of the hut or in documentary resources and cannot be considered a direct association.

While carrying the name of Jack O'Dell, mining registrar in the Omeo subdivision in the 1880s, this is a reference to the name of the track the hut is located on and there is no known direct association between O'Dell and the hut.

Step 1 of Criterion H is not likely to be satisfied.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Comparisons

These comparators were selected because they enable O'Dell's Hut to be understood in context of other huts and other portable buildings already included in the VHR. The hut has also been compared to other portable huts in Victoria with which it has some similarities for its rarity to be established. These portable huts are not included in the VHR.

### Huts in the VHR

The term 'huts' here is used to refer to huts in remote areas, usually on public land, and constructed as a temporary dwelling or refuge. It is noted there are other vernacular timber dwellings associated with rural places on the VHR (such as Masters House, VHR H2330) that could be considered huts but are not discussed below.

#### **WALLACES HUT (VHR H1616), Nelse**

Wallaces Hut is of historical and architectural significance to the State of Victoria. It was constructed in 1889 and despite a series of alterations and additions is likely the earliest surviving hut on the high plains of north-east Victoria. The hut was built by the Wallace family to provide shelter for cattlemen working in the area and was later used by the State Electricity Commission as well as skiers and hikers. Wallace's Hut is historically significant as an early hut associated with Victorian High Plains cattlemen, reflected in its siting, construction, materials and form. It is architecturally significant as an important slab building surviving from the nineteenth century and for its demonstration of vernacular building techniques.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## **SPARGOS HUT (VHR H1609), Hotham Heights**

Spargo's Hut is of historical and architectural significance to the State of Victoria. It was constructed by William (Bill) Spargo, head of the Country Roads Board in the area, in the 1920s as a base for gold prospecting activities. It is of significance as an intact example of an early twentieth-century high country hut, and for its associations with Spargo who had a lasting impact on the development of the high country.



## **VALLEJO GANTNER HUT (VHR H0046), Howitt Plains**

The Vallejo Gantner Memorial Hut is of architectural, historical and social significance to the State of Victoria. It was designed by architect David McGlashan as a memorial. The design takes inspiration from both cattlemen's huts and hikers tents. It is representative of the growth in popularity of bushwalking in the 1970s and 1980s.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Portable timber buildings in the VHR

A great number of portable buildings are included in the VHR. Comparators have been restricted to portable timber buildings as these are most relevant to O'Dell's Hut. Portable timber buildings were used for numerous purposes, including court houses, residences, school rooms and railway buildings. The portable buildings included in the VHR largely consist of pre-fabricated sections transported in sections to a new a location.

### COURT HOUSE (VHR H1485), Skipton

The Skipton Court House is of cultural heritage significance to Victoria as an example of an early portable building used on the goldfields. It was utilised as a school on the Fiery Creek (Beaufort) diggings in the 1850s and moved to Skipton in 1867 for use as a courthouse



### IRYMPLE RAILWAY STATION (VHR H1568), Irymple

The Irymple Railway Station is of cultural heritage significance as a rare example of its building type. Portable buildings played an important role in the Victorian rail network and the building at Irymple has several important features designed to improve the building's operation in hot conditions. It is one of only two examples of its type.



### MALDON ROAD TOLL BAR HOUSE (VHR H1403), Muckleford

The Maldon Road Toll Bar House is of historical significance to the State of Victoria. It likely dates from the late 1850s when it was used to collect road tolls on the Maldon Road. It was subsequently relocated to the Muckleford Cemetery. It is significant as a now rare artefact of the administrative system required to raise revenue for Victoria's roads



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## **PREFABRICATED COTTAGE (VHR H1299), Toorak**

The pre-fabricated cottage at 18 Douglas Street, Toorak dates from the 1850s and is of historic, scientific and architectural significance to the State of Victoria. It is the only known example of the Robert Walker patented portable house system in Victoria. It comprises a combination of iron and timber and demonstrates ingenuity in building techniques during the era.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Portable Huts in Victoria (not in the VHR)

### Hut at 'Gumleigh', Willaura

This hut is located on a pastoral property in Western Victoria and is believed to have been manufactured in Ballarat in the 1920s. It was formerly mounted on iron runners and was likely able to be towed to different locations on the property.



### Mott's Dummy Hut, Natimuk

Mott's Dummy Hut was erected in 1872 on an agricultural allotment selected by David Mott under the land Acts of the 1860s. The land act required that a person reside on their selection in a permanent structure. 'Dummy huts' were used to increase land claims where no one in fact resided. Mott's Dummy Hut is a rare surviving example of a structure used for this purpose. It has likely been re-clad at some point in the twentieth century.



### Mount Pinnibar Hut (Gibsons Hut), Mr Pinnibar

This hut was constructed at Myhree Timber Mill in Corryong for the Gibson family who were graziers. It was transported by truck to its site. It sits on two large bed logs. The overall form is typical of logging huts from the post World War II era.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## **Seymour Logging Hut, Dargo (destroyed by fire 2014)**

This hut is thought to have been constructed in c1948 by Seymour & Sons Timbers. Seymour & Sons had constructed a timber mill at Omeo in 1947. The hut was constructed on skids and taken to different logging coups in the local area. It was used by logging crews and log truck drivers.



## **Howqua Gap Hut, Howqua Gap**

The Howqua Gap Hut is believed to have been put in place in the c1960s during a period of intensive logging. It was subsequently used as a cross-country skiing refuge. It is a small, portable hut likely brought to site complete on a truck.



## **Former Country Road Board hut, Werribee**

This hut, located on a property in Werribee, is thought to be a former Country Roads Board hut that may date from the c1920s. It has been converted into accommodation.



## **Summary of Comparisons**

There are several huts included in the VHR although this is relatively few considering the number that survive in Victoria. These include particularly early and historically significant huts as well as the architecturally significant Vallejo Gantner Hut (VHR H0046). Spargo's Hut (VHR H1609) and Wallaces Hut (VHR H1616) are indicative of the of the common form and construction of huts, with simple gable roofs. O'Dell's Hut, as an early portable hut set on skids, represents something quite different and is unusual in form.

While a great number of portable buildings are included in the VHR, these are predominately of the type that was pre-fabricated in sections and transported to its location for construction, rather than those transported whole. There appears to be none that have a means of portability built into the structure as O'Dell's Hut does. There is no



## Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

known portable building in the VHR that allows the method of portability to be as readily appreciated as O'Dell's Hut. O'Dell's hut is an uncommon surviving example that enriches the representation of portable buildings in the VHR.

There is a history of small portable huts being used by loggers, railway workers, shepherds and road crews in Victoria since the nineteenth century. There are other known examples in Victoria. Few appear to be constructed as early as O'Dell's Hut. Others have been altered or destroyed since being documented. As well as being earlier, O'Dell's Hut is of a more uncommon form than other portable huts identified, which generally have a simple gabled form.

## Summary of cultural heritage significance (section 40(4)(a))

The ED recommends that O'Dell's Hut be included in the VHR as an object.

## Statement of significance

### What is significant?

O'Dell's Hut is a single room, portable hut located on Odells Track in Brookville, East Gippsland. It is of a modest size and simple form with timber stud, weatherboard clad walls and arched corrugated iron roof with rare Morewood & Co Star Brand. It is set on skids enabling it to be pulled to different locations within the forest. It likely has its origins in the late nineteenth century and was possibly remodelled in the early twentieth century. It was likely used in goldmining and logging activities in the area.

### How is it significant?

O'Dell's Hut is of historical significance to the State of Victoria. It satisfies the following criterion for inclusion in the VHR:

#### Criterion B

Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

### Why is it significant?

O'Dell's Hut is rare as an example of an early portable hut. Its scale and form are uncommon amongst huts in Victoria. It contains unusual features of note that were not widely replicated, including its skids, straps and tow hitches which clearly demonstrate how it was transported to different locations. It retains a corrugated iron roof with the Morewood & Co Star brand which likely dates from between the 1860s and 1880s, adding to its rarity. There are other examples of portable huts in Victoria but most appear to be of later construction than O'Dell's Hut.

[Criterion B]



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Categories of works or activities (permit exemptions) recommended under section 38 (section 40(4)(b))

### Introduction

The purpose of this information is to assist owners and other interested parties when considering or making decisions regarding works to a registered place. It is recommended that any proposed works be discussed with an officer of Heritage Victoria prior to making a permit application. Discussing proposed works will assist in answering questions the owner may have and aid any decisions regarding works to the place.

It is acknowledged that alterations and other works may be required to keep places and objects in good repair and adapt them for use into the future. However, under the *Heritage Act 2017* a person must not knowingly, recklessly or negligently remove, relocate or demolish, damage or despoil, develop or alter or excavate all or any part of any part of a registered place without approval. It should be noted that the definition of 'develop' in the Act includes any works on, over or under the place.

If a person wishes to undertake works or activities in relation to a registered place or registered object, they must apply to the Executive Director, Heritage Victoria for a permit. The purpose of a permit is to enable appropriate change to a place and to effectively manage adverse impacts on the cultural heritage significance of a place as a consequence of change. If an owner is uncertain whether a heritage permit is required, it is recommended that Heritage Victoria be contacted.

Permits are required for anything which alters the place or object, unless a permit exemption is granted. Permit exemptions usually cover routine maintenance and upkeep issues faced by owners as well as minor works or works to the elements of the place or object that are not significant. They may include appropriate works that are specified in a conservation management plan. Permit exemptions can be granted at the time of registration (under section 38 of the Heritage Act) or after registration (under section 92 of the Heritage Act). It should be noted that the addition of new buildings to the registered place, as well as alterations to the interior and exterior of existing buildings requires a permit, unless a specific permit exemption is granted.

### Disrepair of registered place or registered object

Under section 152 of the Act, the owner of a registered place or registered object must not allow that place or object to fall into disrepair.

### Failure to maintain registered place or registered object

Under section 153 of the Act, the owner of a registered place or registered object must not fail to maintain that place or object to the extent that its conservation is threatened.

### Conservation management plans

It is recommended that a Conservation Management Plan is developed to manage the place in a manner which respects its cultural heritage significance.

### Archaeology

There is no identified archaeology of State level significance associated with the hut in its current location. However, any works that may affect historical archaeological features, deposits or artefacts is likely to require a permit, permit exemption or consent from Heritage Victoria. Advice should be sought from the Archaeology Team at Heritage Victoria.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Aboriginal cultural heritage

To establish whether this place is registered under the *Aboriginal Heritage Act 2006* please contact First Peoples – State Relations in the Department of Premier and Cabinet. The *Heritage Act 2017* and the *Aboriginal Heritage Act 2006* are separate pieces of legislation. Please be aware that both Acts are required to be satisfied and satisfying the requirements of one Act may not satisfy the requirements of the other.

If any Aboriginal cultural heritage is discovered or exposed at any time it is necessary to immediately contact First Peoples – State Relations in the Department of Premier and Cabinet to ascertain requirements under the *Aboriginal Heritage Act 2006*. If works are proposed which have the potential to disturb or have an impact on Aboriginal cultural heritage it is necessary to contact First Peoples – State Relations in the Department of Premier and Cabinet to ascertain any requirements under the *Aboriginal Heritage Act 2006*.

## Other approvals

Please be aware that approval from other authorities (such as local government) may be required to undertake works.

## Notes

- As the hut is registered as an object, no permit or permit exemption is necessary for landscape works surrounding the hut.
- All works should ideally be informed by a Conservation Management Plan prepared for the place. The Executive Director is not bound by any Conservation Management Plan, and permits still must be obtained for works suggested in any Conservation Management Plan.
- Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.
- Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits where applicable.

## General Conditions

- All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place.
- Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place are revealed which relate to the significance of the place, then the exemption covering such works must cease and Heritage Victoria must be notified as soon as possible.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Permit Exemptions

The following permit exemptions are not considered to cause harm to the cultural heritage significance of O'Dell's Hut.

- Minor repairs and maintenance which replaces like with like. Repairs and maintenance must maximise protection and retention of fabric and include the conservation of existing details or elements. Any repairs and maintenance must not exacerbate the decay of fabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance.
- Works or activities, including emergency stabilisation, necessary to secure safety in an emergency where a structure or part of a structure has been irreparably damaged or destabilised and poses a safety risk to the public. The Executive Director, Heritage Victoria, must be notified within seven days of the commencement of these works or activities.
- Works or activities necessary to protect the hut if it is under imminent threat in an emergency, including application of fire retardant and wrapping with protective material. The Executive Director, Heritage Victoria, must be notified within seven days of the commencement of these works or activities.
- Cleaning including the removal of surface deposits and graffiti by the use of low-pressure water, neutral detergents and plastic brushes.
- Installation of temporary security fencing, signage, scaffolding, hoardings or surveillance systems to prevent unauthorised access or to secure public safety provided they are not affixed to the physical fabric of the hut.
- Installation of physical barriers or traps to enable management of animals such as rats, mice, wombats and possums.
- Application of termite treatment to timber.

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

## Appendix 1

### Heritage Council of Victoria determination (section 41)

The Heritage Council of Victoria is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its website under section 41.

### Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the Heritage Council's website.

### Consideration of submissions to the Heritage Council (section 46)

- (1) The Heritage Council must consider—
  - (a) any written submission made to it under section 44; and
  - (b) any further information provided to the Heritage Council in response to a request under section 45.
- (2) The Heritage Council must conduct a hearing in relation to a submission if—
  - (a) the submission includes a request for a hearing before the Heritage Council; and
  - (b) the submission is made by a person or body with a real or substantial interest in the place or object that is the subject of the submission.
- (3) Despite subsection (2), the Heritage Council may conduct a hearing in relation to a submission in any other circumstances the Heritage Council considers appropriate.

### Determinations of the Heritage Council (section 49)

- (1) After considering a recommendation that a place or object should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing into the submissions, the Heritage Council may—
  - (a) determine that the place or part of the place, or object, is of State-level cultural heritage significance and is to be included in the Heritage Register; or
  - (b) determine that the place or part of the place, or object, is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
  - (c) in the case of a recommendation in respect of a place, determine that the place is not to be included in the Heritage Register but—
    - (i) refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme; or
    - (ii) determine that it is more appropriate for steps to be taken under the Planning and Environment Act 1987 or by any other means to protect or conserve the place; or
  - (d) in the case of a recommendation in respect of additional land which has been nominated to be included in the Heritage Register as part of a registered place in accordance with section 32, determine that the land be included in the Heritage Register if—

# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

- (i) the State-level cultural heritage significance of the place would be substantially less if the land or any part of the land which is or has been used in conjunction with the place were developed; or
  - (ii) the land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place; or
  - (e) determine that the object is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
  - (b) if any hearing is conducted into the written submissions, within 90 days after the completion of the hearing.
- (3) A determination that a place or part of a place, or object, should be included in the Heritage Register may include categories of works or activities which may be carried out in relation to the place or object for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place or object.
- (4) If the Heritage Council determines to include a place in the Heritage Register, with the consent of the owner of the place, the Heritage Council may determine to include in the Heritage Register additional land of the owner that is ancillary to the place.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

## Obligations of owners of places and objects (section 42)

- (1) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of—
- (a) any works or activities that are being carried out in relation to the place or object at the time the statement is given; and
  - (b) any application for a planning permit or a building permit, or for an amendment to that permit, that has been made in relation to the place but not determined at the time the statement is given; and
  - (c) any works or activities that are proposed to be carried out in relation to the place or object at the time the statement is given.
- (2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.
- (3) The owner of a place to whom a statement of recommendation has been given must advise the Executive Director in writing of an application, permit or amendment if, before a determination under section 49 or 52 in respect of a place—
- (a) an application for a planning permit or a building permit or for an amendment to that permit in relation to the place is made; or
  - (b) a planning permit or building permit or an amendment to that permit in relation to the place is granted.



# Statement of recommendation from the Executive Director, Heritage Victoria, to the Heritage Council of Victoria

- (4) An advice under subsection (3) must be given within 10 days after the making of the application or the grant of the permit or amendment.
- (5) The owner of a place or object to whom a statement of recommendation has been given must advise the Executive Director in writing of the following activities or proposals if, before a determination is made under section 49 or 52 in respect of a place or object—
  - (a) any activities are carried out in relation to the place or object that could harm the place or object;
  - (b) any activities are proposed to be carried out in relation to the place or object that could harm the place or object.
- (6) An advice under subsection (5) must be given within 10 days after the owner becomes aware of the activity or the proposal, as the case requires.
- (7) If, before a determination is made under section 49 or 52 in respect of a place or object, a proposal is made to dispose of the whole or any part of the place or object, the owner of the place or object must advise the Executive Director in writing of that proposal.
- (8) An advice under subsection (7) must be given at least 10 days before entering into the contract for the disposal of the place or object.
- (9) The owner of a place or object who proposes to dispose of the whole or any part of the place or object before a determination is made under section 49 or 52 in respect of the place or object must, before entering into a contract for that disposal, give a copy of the statement of proposed contract, is to acquire the place or object or part of the place or object.

## **Owners of places and objects must comply with obligations (section 43)**

An owner of a place or object to whom section 42 applies must comply with that section.

Penalty:      In the case of a natural person, 120 penalty units;  
                    In the case of a body corporate, 240 penalty units.