

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

Name: Yarrowonga Primary School
Address: 2 Tom Street, Yarrowonga
Local Government Authority: Moira Shire



Yarrowonga Primary School (July 2022)

Executive Director recommendation

Under Part 3, Division 3 of the *Heritage Act 2017* ('the Act') I recommend to the Heritage Council of Victoria that the Yarrowonga Primary School, 2 Tom Street Yarrowonga, should not be included in the Victorian Heritage Register (VHR).

STEVEN AVERY
Executive Director, Heritage Victoria
DATE OF RECOMMENDATION: 12 September 2022



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

Executive Director recommendation to the Heritage Council

The Executive Director, Heritage Victoria ('Executive Director') recommends that the Heritage Council not include the Yarrowonga Primary School, 2 Tom Street, Yarrowonga, in the VHR in accordance with section 49 of the Act by determining:

- That Yarrowonga Primary School is not of State-level cultural heritage significance and should not be included in the VHR in accordance with s.49(1)(b) of the Act.

The local heritage significance of the Yarrowonga Primary School is currently reflected in its inclusion in the Heritage Overlay of the Moira Planning Scheme (HO263, Yarrowonga Tom Sharp Precinct).

The Executive Director notes that the block of land bounded by Piper, Tom and Hovell streets and Irvine Parade represents a concentration of historical buildings features that demonstrate a range of important themes in the development of Yarrowonga. This includes the school buildings, adjacent water tower, memorial row of Tamarisk trees and former fire station. Although the place is included within a Heritage Overlay precinct, it may be that the subject site would benefit from a finer grained heritage assessment and potentially one, or more, individual Heritage Overlays for the various items. The current Heritage Overlay for the Tom Sharp Precinct, for example, does not trigger the need for a planning permit for the removal or lopping of trees and does not, therefore, provide protection for the Tamarisk trees. Other means, such as the preparation of a Conservation Management Plan, may also contribute to the protection and conservation of the place.

Accordingly, the Executive Director recommends that the Heritage Council:

- refer the recommendation and any submissions to the relevant planning authority for consideration for an amendment to a planning scheme (for, example, preparation of an individual heritage overlay)
- 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 (for example, preparation of a Heritage Assessment or Conservation Management Plan).

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Explanatory note to readers

The system of heritage protection in Victoria essentially operates at two levels.

Most heritage places in Victoria will be important at a local level to particular communities. These heritage places may be appropriate for protection by local government by means of a Heritage Overlay under the local planning scheme.

A much smaller percentage of places and objects will be important at a State level. This means that they tell an important story in the history of Victoria, rather than the history of their local area or region. Places and objects of State-level cultural heritage significance may be considered for inclusion in the VHR under the Act.

The very high benchmark or 'threshold' for inclusion in the VHR is demonstrated by the fact that as of 2019, there were just over 2,320 places of State-level significance which were included in the VHR. This compares to over 19,000 places of local-level importance protected by Victoria's 79 councils in Heritage Overlays. In other words, roughly 10% of Victoria heritage places were protected at a State-level by inclusion in the VHR compared with 90% being protected by local government.

Heritage Victoria's responsibility is to assess whether a place or object is of cultural heritage significance at the State level. Heritage Victoria cannot assess or advise as to whether a place is of local-level significance, this being a matter for local government.

This current process under the Act has been initiated to establish whether the place or object is of cultural heritage significance to the State of Victoria. Any recommendation or finding should not be seen to overshadow or outweigh any significance that the place or object may otherwise retain, particularly at the local level.



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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. 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 Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place.

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.

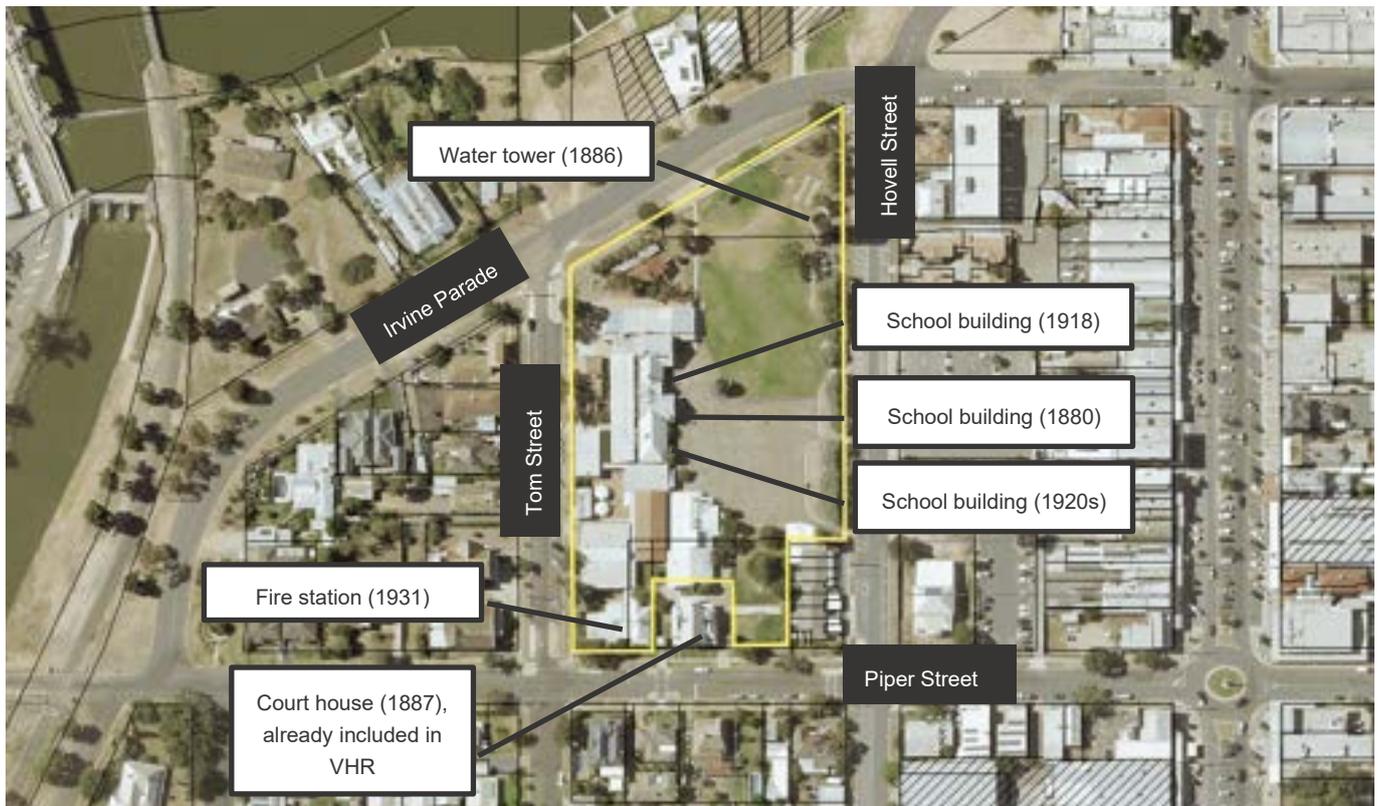
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Description

The following is a description of the Yarrowonga Primary School at the time of the site inspection by Heritage Victoria in June 2022.

The nominated area (shown by the yellow outline in the diagram below) includes all of the land bounded by Piper Street, Tom Street, Hovell Street and Irvine Parade, except for the private residences to the south-east corner and the Court House which is already included in the VHR. The nominated area includes the water tower and former fire station, as well as the former school buildings, hence all are discussed below and throughout the recommendation.

Yarrowonga Primary School is located on the northern edge of the town of Yarrowonga in northern Victoria, close to the Murray River. The school sits on a flat, roughly rectangular site bounded by Piper Street to the south, Tom Street to the west, Hovell Street to the east and Irvine Parade to the north. The Piper Street side of the site features the 1887 courthouse (VHR H1655) and 1931 Fire Station, both of which were utilised by the school later in its history. To the northeast corner of the site, on a section of land owned by the North East Water Corporation, sits a circular redbrick water tower (1886). Along the eastern edge of the site is a row of 16 Tamarisk trees, planted as a memorial following World War I. A small stone memorial cairn is also located on the eastern edge of the site. The historic school buildings (1880–1920s) lie to the west of the site and present as a series of interconnected red brick, gable roofed buildings oriented toward Hovell Street. More recent school buildings (1960s–1990s) surround the earlier school buildings to the north, south and west. The remainder of the school grounds comprises shelter sheds, basketball courts, cricket nets, areas of lawn and demountable buildings. The school has been decommissioned and is currently lying vacant.



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Water tower
Google street view.



Row of memorial Tamarisk trees



War memorial cairn



School buildings. The original 1880s school room is indicated, with subsequent additions to the right and left of the image.



Classroom interior, representative of interiors throughout the 1880-1960s school building



Classroom interior, representative of interiors throughout the 1880-1960s school building

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Western elevation of classrooms



South of site, showing rear of fire station



View of former fire station and 1990s school entrance from Piper Street



Shelter shed in the western portion of the school grounds

History

Yarrowonga and surrounds

The land comprising Yarrowonga township and its surrounds is on the traditional lands of the Yorta Yorta people. The town and district were named after the 'Yarroweya' pastoral run (later Yarrowonga Station) established in 1842.¹ From the 1840s until the introduction of the *Land Act 1869*, European settlers in the region were typically squatters or representatives of squatting families.²

The township of Yarrowonga was surveyed in 1868 and initially occupied four blocks bounded by Witt, Hume, Orr and Hovell Streets.³ Land sales occurred from 1873, allowing free selectors to purchase much of the agricultural land surrounding the township. During Yarrowonga's early years, major local industries included flour milling and sawmilling.⁴

¹ A.N. Loughnan (ed), *From Ballanda to 1968: the story of Yarrowonga*, Yarrowonga Apex Club, 1968, p.7.

² A. J Dunlop, *Wide horizons: the story of Yarrowonga, Tungamah and Cobram shires*, Imprint, 1978, p.35.

³ 'Yarrowonga and Yarrowonga Shire', Victorian Places, <https://www.victorianplaces.com.au/yarrowonga-and-yarrowonga-shire>.

⁴ Loughnan, 1968, pp.33-35.

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Yarrawonga township flourished during the late nineteenth century, with the connection via railway to Melbourne in 1886. The much anticipated opening of the railway was preceded by urban development in and around Yarrawonga.⁵ The 1880s were boom years for Yarrawonga, with the population quadrupling. A road bridge to Mulwala (NSW) on the opposite side of the Murray River was constructed in 1891.

Education Act 1872 and construction of State schools

In September 1872 a new Education Bill was introduced to Victorian Parliament and passed the Legislative Assembly. On 17 December 1872 the Education Act was passed, effectively establishing the modern system of free, secular and compulsory State education for primary school aged children. On 1 January 1873, the Act came into force and the Education Department was established. The Department inherited over 450 Common Schools which had been previously vested in the Board of Education. The student population increased dramatically with the introduction of free and compulsory education and infrastructure was a focus of the Department. In March 1873 Henry Bastow was appointed as Department architect and surveyor and a competition to design new State Schools succeeded in attracting many of Victoria's leading architects. The 1870s was an intensive period of school construction. From 1874 to 1876 alone an average of 170 schools per year were constructed. Intensive school building continued into the 1880s. Surveying and purchase of land in rural Victoria and subsequent population growth contributed to the demand for school buildings. Large masonry (often brick) buildings were favoured for metropolitan areas and larger towns while numerous timber buildings were commissioned to service smaller rural communities. In Victoria, many school buildings remain from this era and there are a number of these schools included in the VHR.

State School No. 1819

Following population growth due to land sales in Yarrawonga in the early 1870s, local requests for a primary school commenced in 1874. On 16 April 1875 an area of 4 acres and 1 rood was reserved as the site for a state school.⁶ A portable timber building was transported to the current site from Melbourne in 1876 and was officially in use from January 1877.⁷ A correspondent noted that the 'hideous and uncomfortable' structure was 'the worst and ugliest building in the township' and suggested that Yarrawonga had already outgrown the Education Department's portable building.⁸ Enrolments in the late 1870s were around 80 with 40 or 59 students per day usually attending.⁹ The *Ovens and Murray Advertiser* reported in June 1880 that tenders had been accepted for construction of the red brick school and that it was greatly needed given the poor state of the existing building.¹⁰

The red brick school building, which forms a central section of the current school building, was constructed in 1880 by D. McKenzie and consisted of a '30 feet by 18 feet building with four room attached living quarters and front and back verandah'.¹¹ The first classes were held in the new building in early 1881 and generally had 55 to 80 pupils in attendance. The rapid growth of Yarrawonga in the 1880s soon led to overcrowding within the existing single school building, which had an enrolment of 130 by 1883.¹² Additional classrooms were added in the late nineteenth century and other alterations took place.¹³ Further classrooms were added in 1918 and the 1920s. While the school initially provided only primary education, it was elevated to a Higher Elementary School in 1919. A high school was constructed elsewhere in Yarrawonga in 1954 and higher elementary students shifted to the new campus in the same year. The school buildings at Yarrawonga Primary School changed incrementally until by the 1960s additions

⁵ Lorraine Huddle, *Moirra Shire Stage Two Heritage Study*, 2007.

⁶ Alistair Wylie, *A Bridge Across Time: A General History of Yarrawonga Mulwala*, Mulwala: Yarrawonga Mulwala Historical Society, 2018, p. 84.

⁷ Loughnan, p. 63; *Leader*, 10 August 1878; Sharon G O'Brien, *The little red school: recollections and a rambling history of Yarrawonga Primary School, 1877-2002*, Yarrawonga: Yarrawonga Primary School, 2002, pp. 2-7.

⁸ *Leader*, 10 May 1879, p. 7.

⁹ *The Corowa Free Press*, 17 September 1878, p. 3.

¹⁰ *Ovens and Murray Advertiser*, 22 June 1880, p. 4.

¹¹ *The Albury Banner and Wodonga Express*, 12 February 1881, p. 9.

¹² Huddle.

¹³ O'Brien, p 13.



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dwarfed the original school building.¹⁴ Arts rooms, principal's office, additional classrooms were added. A large injection of funds in the 1990s led to the construction of more school buildings.¹⁵ In the 2000s the school site was used as a P-4 campus before closing in 2017. It is currently lying vacant.

School War memorial

As was the case in many rural communities in Victoria, a great number of men in Yarrawonga enlisted to fight in World War I. Of the 475 men from the Yarrawonga area who enlisted, 57 were killed. 81 former students of the Yarrawonga Primary School enlisted, and 16 were killed in the conflict. Following World War I, a series of 16 Tamarisk trees were planted along the Hovell Street side of the school to commemorate these students. A memorial drinking fountain was also established. The drinking fountain was removed and replaced by a small cairn, subsequently relocated to its current location.¹⁶

Water tower, courthouse and fire station

Due to the school's desirable location, there was a demand to locate other government buildings on the site. In 1882, two blocks were excised for the Post Office and Mechanics Institute (no longer extant). The water tower was built in 1886 after land was excised from the State School reserve by the Waterworks Trust in 1885.¹⁷ An additional concrete water tower (no longer extant) was constructed in 1914 to a design by Sir John Monash alongside the brick tower.¹⁸ The courthouse was constructed in 1887 in a commanding position on Piper Street. It was used until 1980 before being handed over for school use and integrated into the campus. Yarrawonga established a town fire brigade in 1896 and in 1897 a further area of land was excised for the fire station. A rural fire brigade was also established in 1931.¹⁹ The current fire station building dates from the same year and came to be used as a multipurpose room for the school late in the twentieth century.

¹⁴ O'Brien, p. 53.

¹⁵ O'Brien, p. 58.

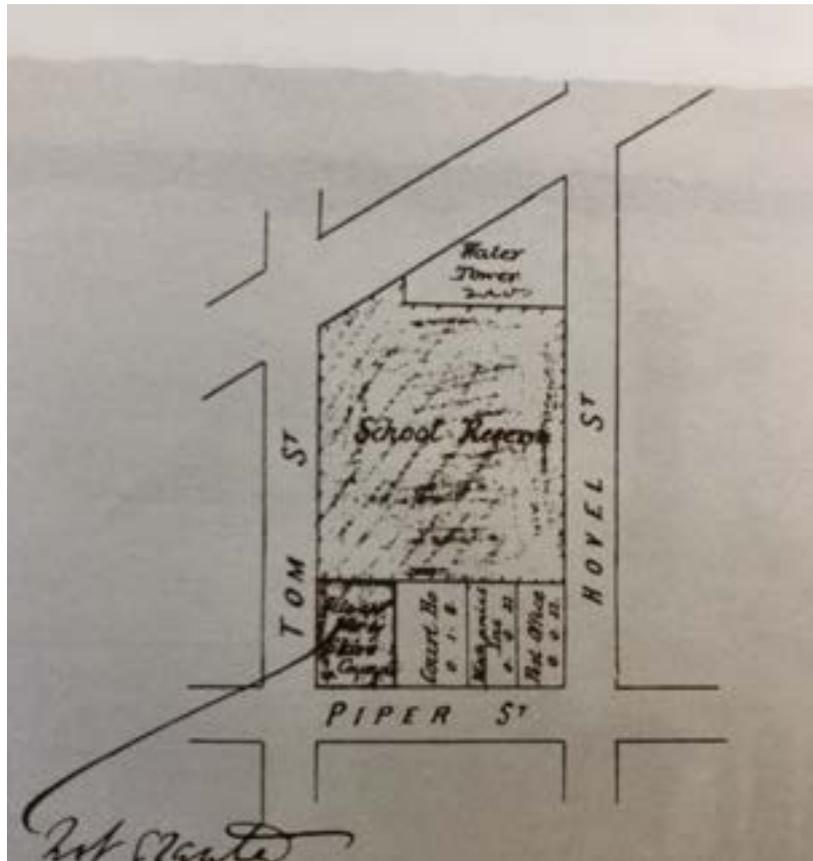
¹⁶ Wylie, p. 214.

¹⁷ Huddle.

¹⁸ *The Age*, 11 April 1927.

¹⁹ Wylie, p. 31.

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1891, site plan showing school reserve and land to the north and south excised for various other government purposes
Source: *The Little Red School*



Undated (likely 1890s), view west along Piper Street showing courthouse (extant) and fire tower (no longer extant) at the fire station site
Source: *The Little Red School*



1905-1928, both water towers (the concrete water tower to the left of the image is no longer extant)
Source: University of Melbourne Archives

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c1930s, school viewed from the north west (likely from water tower)
Source: *The Little Red School*



c1950s, school viewed from the north west
Source: National Archives of Australia

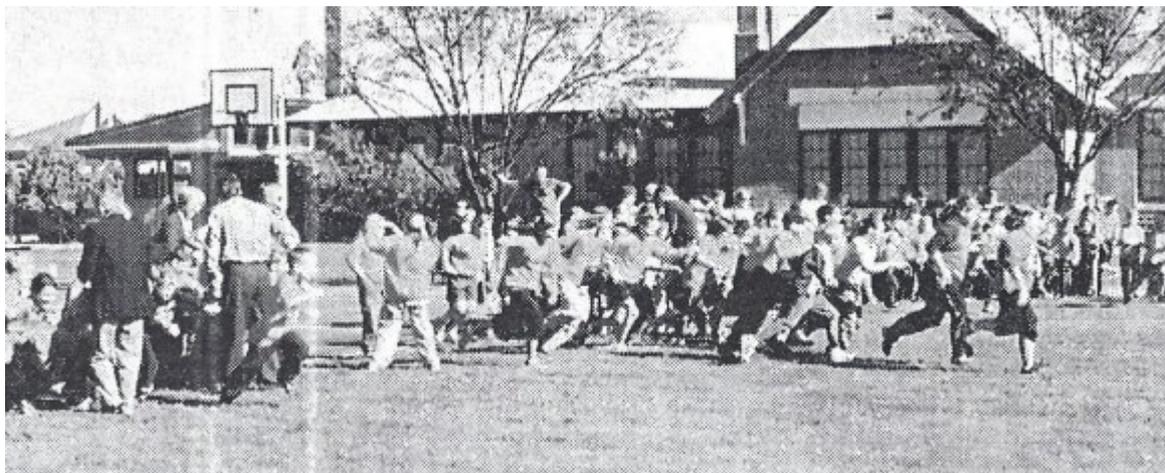


c1970s, school viewed from the west with 1960s buildings shown to the north and south of the earlier school buildings
Source: National Archives of Australia



c1980s, site plan
Source: supplied with nomination

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2000, school viewed from the west
Source: *Yarrawonga Chronicle*, supplied with nomination



2002, community celebrations during the 125th anniversary of the establishment of Yarrawonga State School
Source: *Yarrawonga Chronicle*, supplied with nomination

Selected bibliography

Blake, L. J., *Vision and realisation: a centenary history of state education in Victoria*, Melbourne: Education Department, 1973.

Burchell, Lawrence., *Victorian School: a study in colonial government architecture, 1837-1900*, Melbourne: Melbourne University Press, 1980.

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Huddle, Lorraine., *Moira Shire Stage Two Heritage Study*, 2007.

Loughnan, A. Noel (ed)., *From Ballanda to 1968: the story of Yarrawonga*, Yarrawonga: Yarrawonga Apex Club, 1968.

O'Brien, Sharon G., *The little red school: recollections and a rambling history of Yarrawonga Primary School, 1877 -2002*, Yarrawonga: Yarrawonga Primary School, 2002.

Wylie, Alistair., *A bridge across time: a general history of Yarrawonga Mulwala*

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Further information

Relevant Authority	Moira Shire
Heritage Overlay	HO263, Yarrawonga Tom Sharp Precinct
Other Listings	Victorian War Heritage Inventory (Memorial cairn and plaques)
Other Names	State School No.1819
Date of construction/creation	1880-1990s (school); 1931 (fire station); 1886 (water tower)
Architect//Builder/Designer/Maker	D. McKenzie (school, 1880)
Architectural style	Victorian (school); Interwar classical (fire station)

Traditional Owner Information

The Yarrawonga Primary School precinct is located on the traditional land of the Yorta Yorta people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Yorta Yorta Nation Aboriginal Corporation.

Victorian Aboriginal Heritage Register

A registered Aboriginal place is located within the Yarrawonga Primary School precinct. Parts of the place are within areas of Aboriginal cultural heritage sensitivity associated with place and with the nearby Murray River.

Integrity

Generally, the integrity of the place is good. Its role in the civic and educational life of Yarrawonga can still be read in the physical fabric of the place. The integrity of the school building has been diminished by its successive additions and alterations (September 2022).

Intactness

The intactness of the place is generally fair. While early buildings remain, they have been successively altered and added to. The interior of the school retains very few historic features. (September 2022)

Condition

The condition of the place is fair. There is evidence of damage caused by vandalism throughout the school building. The row of Tamarisk trees is in poor condition. (September 2022).

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

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Statutory requirements under section 40

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

The Executive Director recommends that the Yarrawonga Primary School is not included in the VHR.

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

Name: Yarrawonga Primary School

Address: 2 Tom Street, Yarrawonga

Location diagram (section 40(3)(b))



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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 the Yarrowonga Primary precinct 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

<p>The place/object has a <i>CLEAR ASSOCIATION</i> with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history.</p> <p style="text-align: center;"><i>plus</i></p> <p>The association of the place/object to the event, phase, etc <i>IS EVIDENT</i> in the physical fabric of the place/object and/or in documentary resources or oral history.</p> <p style="text-align: center;"><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>

Executive Director's Response

Site

As a whole, the site has a clear association with the reservation and development of land in townships for government purposes. This is evident in the physical fabric of the place, in its grouping of civic and educational buildings and services infrastructure, and in documentary evidence. This pattern is of historical importance, being a recognisable feature of most towns across Victoria.

School

The school buildings at the Yarrowonga Primary School have a clear association with the provision of primary school education. This is evident in the physical fabric of the school, which includes buildings from 1880-1990s, and in documentary evidence. The provision of free, compulsory, public primary school education is of historical importance, having been a feature in the lives of Victorians since the introduction of the *Education Act 1872*.

Fire station

The former fire station at the Yarrowonga Primary School has an association with the provision of fire fighting services. This is evident in the physical fabric of the fire station which in its current form dates from 1931, and in documentary evidence. The provision of fire fighting services is of historical importance to Victoria, being an important service created and maintained to provide a response to emergencies.

Water tower

The water tower on the site has a clear association with the provision of municipal water supplies. This is evident in the physical fabric of the water tower, and associated documentary evidence. This process is of historical importance, having been crucial in the development of towns throughout Victoria.

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Memorial avenue and cairn

The Tamarisk trees and memorial cairn at Yarrowonga Primary School have a clear association with the erection of war memorials. This is evident in the physical fabric of the Tamarisk trees, cairn, plaques and associated documentary evidence. This is a pattern of historical importance, having been a key feature of virtually all communities in Victoria following World War I and World War II.

Step 1 of Criterion A is likely to be satisfied.

Step 2: State Level significance test for Criterion A

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

The place has multiple historical associations, as explored above. However, it does not allow any of these associations to be understood better than other places in Victoria that share these associations.

As a whole, the site presents as an interesting collection of historic buildings and features that speak to several themes in Yarrowonga's development. Although the site as a whole may be of cultural heritage significance to Yarrowonga and the surrounding region, it does not allow the reservation and development of Crown land reserves in towns in Victoria to be better understood than other places. The setting aside of Crown land for government purposes is a feature common to all towns and established suburbs across Victoria.

Many towns and established suburbs in Victoria have historic schools, war memorials, fire stations and water towers. Although those found in Yarrowonga are typical of these buildings and features they are not of a level of intactness, complexity, singularity, historical relevance or interpretative value to enable their historical associations to be better understood than other examples found across Victoria. Their co-location is of interest but the grouping together of government buildings and infrastructure is a feature common to communities across Victoria and does not allow their historical associations to be better understood.

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

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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

R1: 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

R2: The place/object is *RARE OR UNCOMMON*, containing unusual features of note that were not widely replicated

or

R3: 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

The place has several historical associations which are evident in the physical fabric of the place and documentary resources, as explored above.

R1: It is not rare or uncommon as one of a small number of places remaining which demonstrates these historical associations.

R2: The buildings and features found at the place are representative of their type, but none could be considered to contain unusual features of note that were not widely replicated. While the choice of Tamarisk trees for the memorial row, a species found in Turkey and Middle East, is of interest, different communities selected different tree species for their memorial avenues for a variety of reasons. Although Tamarisk is an unusual choice, it is not a feature of note that can be considered rare for the purposes of assessing State-level cultural heritage significance.

While the co-location of various government buildings is of interest, it is common for government and public buildings to be located together on crown reserves throughout Victoria. The combination of buildings will change from place to place. The combination of buildings at Yarrowonga does not present as rare in a State-wide context.

R3: The place and its buildings and features can be understood as belonging to the classes of civic precinct (as a whole), state schools, fire stations, avenues of honour and water towers. None of these classes are endangered to the point of rarity.

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

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

Step 1: Test for Satisfying Criterion C

The:

- visible physical fabric; &/or
- documentary evidence; &/or
- oral history,

relating to the place/object indicates a likelihood that the place/object contains *PHYSICAL EVIDENCE* of *historical interest* that is *NOT CURRENTLY VISIBLE OR UNDERSTOOD*.

plus

From what we know of the place/object, the physical evidence is likely to be of an *INTEGRITY* and/or *CONDITION* that it *COULD YIELD INFORMATION* through detailed investigation.

Executive Director's Response

The place is unlikely to contain physical evidence that is not currently visible or 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

The place/object is one of a *CLASS* of places/objects that has a *clear ASSOCIATION* with an event, phase, period, process, function, movement, important person(s), custom or way of life in Victoria's history.

plus

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

plus

The principal characteristics of the class are *EVIDENT* in the physical fabric of the place/object.

Executive Director's Response

As a whole, the site can be understood as belonging to the class of government precinct. Individual buildings and features can be understood as belonging to the classes of state schools, fire stations, avenues of honour and water towers.

These classes have various historical associations, as explored above. These historical phases and patterns are of historical importance. The principal characteristics of these classes are evident in the physical fabric of the place.

Step 1 of Criterion D is likely to be satisfied.

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, the Yarrowonga Primary School precinct cannot be considered as a notable example of these classes.

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Government precincts

As a whole, the site does not represent a notable example of a government precinct. It evolved from the gradual excising of land from the original school reserve for a range of government purpose. Several buildings and structures, such as the mechanics institute and post office, are no longer extant. It is not as cohesive, carefully planned, architecturally fine or highly intact as other examples already included in the VHR, such as the Ararat Civic Precinct (VHR H2286) or Beechworth Justice Precinct (VHR H1464).

State schools

The school buildings cannot be considered notable examples within their class. Since the construction of the original single room masonry classroom 1880, the school has been substantially altered and added to in response to increased student numbers and educational requirements. The array of school buildings, added to the site until the 1990s, are not of particular historical relevance. None are particularly architecturally fine, pivotal or have been influential in the design of other related places. There are many notable examples of state schools included in the VHR, including places like Primary School No. 253 (VHR H1623) in Footscray which is of particular historical relevance and California Gully Primary School (VHR H1623) which is highly intact and architecturally fine.

Fire stations

The former fire station is representative of the building type, but is not particularly fine in its design, planning or architecture and is no longer highly intact. Architecturally fine or historically relevant examples of fire stations in the VHR include the Former Ballarat City Fire Station (VHR H2236) which retains an impressive masonry fire tower and the Brunswick Fire Station and Flats (VHR H0916) which dates from a similar era as the Yarrowonga Fire Station but is a complex which contains a range of physical characteristics and is architecturally distinctive for the time of its creation.

Water towers

The water tower is an important local landmark which also speaks to the history of the Yarrowonga's development. It is representative of the class. When compared to other examples across Victoria however, it cannot be considered a notable example. Notable examples already in the VHR include the architecturally fine Elmore Water Tower (VHR H1678).

Avenues of Honour

The Tamarisk row is of historical interest and a poignant symbol of the loss experienced by the community in World War I. It is one of many surviving commemorative World War I plantings found across the state. Examples included in the VHR are particularly extensive, carefully planned, include multiple features such as arches and plaques or are fine in other respects. The Tamarisk row and associated cairn cannot be considered a particularly notable example.

Criterion D is not 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

The physical fabric of the place, including its buildings and other features, exhibit particular aesthetic characteristics associated with their era of establishment or construction, design and choice of materials.

Step 1 of Criterion E 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 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 historic buildings on the site have not received critical recognition or wide public acknowledgement. The water tower is an impressive local landmark but its aesthetic values have not received critical recognition or wide public acknowledgement.

The row of Tamarisk trees is not aesthetically remarkable in comparison to other examples in Victoria, such as the Avenue of Honour, Kingston (VHR H2343) which is an outstanding planting of predominantly Dutch elm (*Ulmus x hollandica*) which is an extensive, largely intact and highly distinctive commemorative planting.

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

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

None of the buildings or other features at the place demonstrate creative or technical achievement for the time they were created.

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.

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

Executive Director's Response

There is evidence of an attachment between the place and the community found in Yarrowonga and its surrounds. This attachment relates to both the place's role as a site of children's education, and for its features which relate to commemoration following World War I.

Step 1 of Criterion G is likely to be satisfied.

Step 2: State Level Significance Test for Criterion G

Evidence exists that the social value resonates at a State Level, that is across the 'broader Victorian community'.
(*'Resonance' means the extent to which the social value of a place/object can be demonstrated to exert an influence. The social value must resonate beyond a particular local, social or cultural community into the 'broader Victorian community'.*)

Plus

Evidence exists that the social value is part of an event or story that contributes to 'Victoria's identity.'

Executive Director's Response

There is no evidence that attachment to the place resonates beyond the community found in Yarrowonga and its surrounds.

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

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.

Executive Director's Response

As described in the publication *The Little Red School: Recollections and a rambling history of Yarrowonga Primary School 1877-2002*, a range of accomplished people have attended Yarrowonga Primary School. Although this is a point of local pride, most primary schools in Victoria will have former students who have subsequently made important contributions to Victoria. Likewise, many people who have made an influential contribution to the course of Victoria's history will have attended a Victorian primary school and this cannot be used as a basis for determining State-level significance.

The water tower and fire station have an association with the people and organisations who commissioned and used them. While these people and groups are likely of importance to Yarrowonga and its surrounds, they could not be considered to have made a strong or influential contribution to the course of Victoria's history.

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 places were selected as comparators to the Yarrawonga Primary School Precinct because they share either historical associations or belong to the classes discussed above. They are all examples already included in the VHR which demonstrate the threshold for State-level cultural heritage significance.

Government precincts included in the Victorian Heritage Register

Land has been reserved for government purposes in most towns across Victoria. Land is commonly reserved for a range of purposes, and it is not uncommon for government buildings to be grouped together.

ARARAT CIVIC PRECINCT, ARARAT (VHR H2286)

The Ararat Civic Precinct is of architectural, historical and aesthetic significance to the state of Victoria. The Ararat Civic Precinct comprises the former Shire Hall (1871) and Town Hall (1899) together with War Memorials commemorating the Boer War, World War I and World War II in a landscaped setting in the main street of Ararat. It is a notable example of this kind of precinct in Victoria. The former Shire Hall and the former Town Hall are both architecturally significant as outstanding examples of Classical style civic buildings. The former Shire Hall is a notable example of a municipal building in a Roman Revival mode. The former Town Hall is one of the most impressive late nineteenth century provincial town halls built in Victoria.

The Ararat Civic Precinct is of aesthetic significance for its collection of buildings and memorials in a landscaped setting. It is enhanced by its fine collection of memorials, the row of mature palm trees and the cast iron lamp stands along Barkly Street, and forms a prominent feature in the Ararat streetscape.



BEECHWORTH JUSTICE PRECINCT, BEECHWORTH (VHR H1464)

The Beechworth Justice Precinct is of historical, architectural, and archaeological significance to the State of Victoria. It comprises early granite buildings including the former Telegraph Office (1858), Court House (1859), Police Station (1858 originally Sub-Treasury and Gold Office), Chinese Protectors Office (1858) and the Gold Wardens Office (1859). Also surviving on the site are the brick Stables (1870), portable timber Lock-Up, and brick Police Residence 1912-13. The Beechworth Justice Precinct is of historical significance as activity on the site dates from the time when Beechworth was the focus of Australia's richest goldfields and the administrative centre for north-eastern Victoria. The remarkably intact collection of police and justice buildings dating from 1857 to 1913 reflect the site's continuing use and public importance and demonstrate many aspects of the history of law enforcement in Victoria. Being intact as a group and so little altered individually gives them great importance.



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

OMEIO JUSTICE PRECINCT, OMEIO (VHR H1536)

The Omeio Justice Precinct is the most intact example of a nineteenth century police and court complex known to survive in Victoria. It is significant because of the presence of a number of elements which are architecturally and historically significant to the State. These are the Log Lockup/Gaol (1858), the Court House (1859-61), the Police Cookhouse (1882-83), the Police Residence (1882-83), the Police Stables (1882-83) and the Court House (1893). The 1893 Court House is architecturally significant as a fine and rare example of A. J. Macdonald's work, whose small but remarkable output for the Public Works Department during his brief architectural career was influenced by HH Richardson of Chicago and many other styles, such as the Arts and Craft Movement.



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

State schools

A large number of primary school buildings in suburban and rural Victoria are included in the VHR. The majority were built in the 1870s and 1880s, the period after the Education Department of Victoria was established in 1873. Other buildings date from the early twentieth century when many new schools were constructed and existing schools expanded to cope with increasing numbers of children. A selection of examples relevant to the subject site are illustrated below.

CALIFORNIA GULLY PRIMARY SCHOOL, CALIFORNIA GULLY (VHR H1623)

The California Gully Primary School in California Gully, outside Bendigo, is of architectural significance to the State of Victoria. It was constructed in 1882 to the design of Henry Bastow, the renowned designer of early State Schools. It is a notable example of an 1880s State School. Its fine design in the Picturesque Gothic style features a multi-gabled roof form, helm-headed gables, pointed window openings and a slender spire. The school is visually striking due to its location atop Belltopper Hill, its multi-gabled roof line and polychrome brickwork (red, black and cream), as well as its fine timber and iron detailing. The tall wall windows and courtyard plan were specifically intended to provide improved internal illumination and demonstrate the needs of 1880s school planning.



PRIMARY SCHOOL NO. 4, AVOCA (VHR H1622)

Primary School No. 4 in Avoca is of architectural and historical significance to the State of Victoria. Constructed in 1878, it is a single storey, asymmetrical, red brick building with simple cream brick banding and a high pitched, tent-like slate roof. It is notable as one of the first school buildings to incorporate verandahs in its design, showing a sensitivity to the Australian climate. The great tent-like form of the roof was highly innovative and the Avoca school was the first to demonstrate this distinctive form. It was an important precursor of subsequent schools which drew on its design. It is comparatively intact and readable as an 1870s school.



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

BUNDOORA PRIMARY SCHOOL NO.1915, BUNDOORA (VHR H1344)

The Bundoora Primary School No.1915 is of architectural and historical significance to the State of Victoria. It was constructed in 1877 of brick on a bluestone base with an iron roof and small porch. It is a modest, single room classroom that despite some minor alterations still clearly demonstrates the Education Department's building program of the 1870s, particularly in small communities. It is a comparatively intact small, masonry school building of the era. It is a rare example of a school building which has retained its original windows.



BEECHWORTH PRIMARY SCHOOL NO. 1560, BEECHWORTH, (VHR H1718)

Beechworth Primary School is of cultural heritage significance to Victoria. It was constructed in 1875, following the implementation of the *Education Act 1872*. It is of architectural significance as a particularly intact example of an 1870s 'competition school'. Its size demonstrates the challenge of providing primary school education to a large number of pupils following the introduction of the Act. It retains much of its form and decoration and demonstrates skilled craftsmanship in its execution with polychrome brickwork and plaster mouldings.



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

PRIMARY SCHOOL NO.253, FOOTSCRAY (VHR H1713)

Footscray Primary School is of historical and architectural importance to the State of Victoria. It retains an 1860s Common School building, 1880s Education Department school building and 1911 Infants building. It has historical significance for its clear associations with the provision of education from the Common School period of 1862-72 as well as under the Education Act of 1872. The intactness of the whole school site at Footscray is enhanced by the presence of the Common School, the main building of 1881, and the detached infant school of 1911. There are few school sites in Victoria which demonstrate so clearly the sequence of development from the 1860s into the early twentieth century. Footscray Primary School is of architectural importance as it exhibits the principal characteristics of a locally built Common School of the 1860s together with those of the early Education Department Urban School and the early twentieth century Infants School.

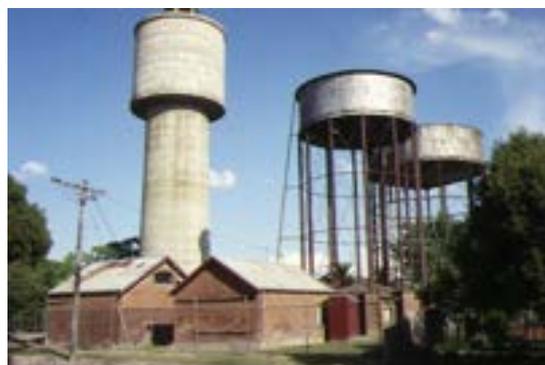


Places associated with municipal water supplies in the Victorian Heritage Register

A number of places associated with the provision of municipal water supplies are included in the VHR. This includes water towers, and broader complexes which generally include water towers. Several relevant examples are included below. It is noted that the VHR also includes several historically important extensive water supply systems being the Coliban, Yan Yean and Maroondah. It is also noted there are several water towers related to the provision of water for steam locomotives included in the VHR which are not included below.

BENALLA WATER SUPPLY DEPOT, BENALLA (VHR H1048)

The Benalla Water Supply Depot is of cultural heritage significance to the State of Victoria. It is a complex that contains three water towers and an array of other buildings and features that collectively demonstrate the provision of municipal water supplies. The Benalla Water Supply Depot is an essentially intact example of a complex which demonstrates the changes in water tower design since the 1880s. It is also a rare surviving example of a nineteenth century municipal water supply complex containing all the elements needed to supply a rural town in that period: an iron water tower, blacksmith's shop, carpenter's shop and pumphouse.



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

WATER TANK, COCOROC (VHR H1416)

The water tank, now standing at Cocoroc. Is of historical and architectural significance to the State of Victoria. It was originally erected in 1854 in East Melbourne to supply water to the growing metropolis. It is of historical significance for its associations with the early development of Melbourne as part of Melbourne's first water supply. It is of architectural significance as a rare surviving 1850s engineering structure. Of particular note is the high quality of design and construction in the arched bluestone base. The use of imported pre-fabricated cast iron plates in the tank's construction is significant as few extant structures demonstrating prefabrication techniques and including imported prefabricated elements still survive in Victoria.



BAIRNSDALE PUMPING STATION, BAIRNSDALE (VHR H2040)

Bairnsdale Pumping Station is of historical and scientific (technical) significance to the State of Victoria. Bairnsdale Pumping Station is historically significant as the most intact example in Victoria of an early municipal pumping **station**. The site has an unparalleled collection of buildings, tanks and machinery that demonstrate the operations of a nineteenth and early twentieth century municipal water pumping station. The station is a reflection of the growth of Victorian towns in the late nineteenth century and the need to provide reliable and safe water supply systems for them. The two key phases of the development of the pumping station were designed by two of Victoria's leading engineers, John Grainger and Sir John Monash. Bairnsdale Pumping Station is scientifically (technically) significant for its ability to demonstrate changes in water delivery technology from the 1880s, especially relating to the evolution of pumping, tank construction and water treatment.



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

Fire Stations Included in the Victorian Heritage Register

FORMER BALLARAT CITY FIRE STATION, BALLARAT (VHR H2236)

The former Ballarat City Fire Station is of historical and architectural significance to the State of Victoria. The former Ballarat City Fire Station is of historical significance as what is believed to be the oldest fire station in Victoria. It is of historical significance as a rare remaining fire station associated with the volunteer period of Victoria's fire-fighting history. The former Ballarat City Fire Station is of architectural significance as a demonstration of the principal characteristics of a nineteenth-century fire station, notably the tall watch-tower with lookout and the street-level openings for the fire engines. It is significant for the unusual design, with a central octagonal, five-storey watch-tower and a castellated parapet.



FORMER NO.3 CARLTON FIRE STATION, CARLTON (VHR H1320)

Former No.3 Carlton Fire Station is of architectural and historical significance to the State of Victoria. Constructed in 1928, it is an important design by prolific architect of fire stations, Cedric Ballantyne. The station is functionally similar to other Ballantyne station designs, incorporating garages, accommodation, recreation rooms and offices, but it is stylistically unusual. Former No.3 Carlton Fire Station is historically significant for demonstrating a peak in the development of the Metropolitan Fire Brigade after the implementation of the Fire Brigades Act of 1890.



BRUNSWICK FIRE STATION AND FLATS, BRUNSWICK (VHR H0916)

Constructed in 1936, the Brunswick Fire station and Flats are of architectural significance to Victoria. The Brunswick fire station and flats are a rare and perhaps the only example of a separate fire station building and flat block complex which forms its own residential precinct, indicative of modern urban planning then occurring in Europe in the 1930s. The significance of the complex is enhanced by its continuing use as an operating fire station. The Brunswick fire station and flats are one of the most significant works of the noted architects Seabrook and Fildes, who are acknowledged as bringing European modern architecture to Victoria.



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

Memorial avenues in the Victorian Heritage Register

AVENUE OF HONOUR, EURACK (VHR H2102)

The Eurack Avenue of Honour is of heritage significance to the State of Victoria. It commemorates 26 soldiers from the district who enlisted in World War I. It was planted in 1916 after the Education Department issued a notice to all schools in Victoria to plant 'Anzac Avenues' to commemorate the Gallipoli landing the previous year. Plantings by school children are known to have taken place across the state, particularly on and around Anzac Day. The avenue in Eurack is formed from a single row of Dutch Elms. Its memorial associations are enhanced by the marking of each tree with a striking white cross. Dating from 1916, it is of historical significance to the State of Victoria as an early and comparatively intact example of this form of memorial.



CALDER WOODBURN MEMORIAL AVENUE, ARCADIA and KIALLA WEST and KIALLA and ARCADIA SOUTH (VHR H1975)

The Calder Woodburn Memorial Avenue is of historical, aesthetic and social significance to the State of Victoria. It was planted between 1945 and 1949 by Mr JLK (Fen) Woodburn as a living memorial to his son Calder who lost his life while serving in the RAF. Woodburn planted an astonishing 1406 trees between 1945 and 1947. In the late 1940s further trees were planted to create an avenue of 2,457 trees. Memorial name plates were affixed to 110 of the trees. It is the grandest and largest of the World War II commemorative plantings in Victoria and is important for its use of only Eucalyptus species. The whole forms an outstanding designed landscape and roadside planting of a scale and complexity not seen in Victoria.



AVENUE OF HONOUR AND ARCH OF VICTORY, BALLARAT-BURRUMBEET ROAD ALFREDTON and CARDIGAN and WINDERMERE and WEATHERBOARD and BURRUMBEET and LUCAS (VHR H2089)

The Avenue of Honour and Arch of Victory, Ballarat is of cultural heritage significance to the State of Victoria. The Avenue of Honour (1917 - 1919) and Arch of Victory (1920) were erected as memorials to the people of the Ballarat and the surrounding district who enlisted in World War I. The Avenue of Honour consists of 3,771 trees planted at regular intervals of approximately 12 metres along 22km of the Ballarat-Burrumbeet Road. It is of historic significance as an early and unusually long example of the form. The tree avenue is complemented by an arch of Victory which is an outstanding landscape monument. It is aesthetically significant as an outstanding designed landscape and living memorial with the grand arch heralding the start of the roadside planting.



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

AVENUE OF HONOUR, BACCHUS MARSH (VHR H2238)

The Bacchus Marsh Avenue of Honour is of historical, aesthetic and scientific (research and botanical) significance to the State of Victoria. The Bacchus Marsh Avenue of Honour is of historical significance as a World War 1 Avenue of Honour and as one of the earliest examples of this important form of memorial planting in Victoria. The Bacchus Marsh Avenue of Honour is aesthetically significant for the dramatic, continuous and unbroken cathedral-like arching of the canopy, making it one of the most distinctive elm avenues in Victoria. The trees form a visually impressive colonnade effect in all seasons.



Summary of comparisons

Government precincts

There are several government precincts included in the VHR representing the different government purposes for which Crown land was set aside. They either have a wide range of significant buildings and features (for example, Omeo Justice Precinct), or are carefully designed and contain architecturally significant buildings (for example, Ararat Civic Precinct). The site of the Yarrowonga Primary School, while used for several government purposes over its history, is not of equivalent historical or architectural significance as these examples.

State schools

Historic state schools are a common building type across Victoria. There are many state schools included in the VHR. They are either architecturally fine (for example, California Gully Primary School), pivotal or influential in their design (for example, Primary School No 4. in Avoca), intact buildings that enable historical associations to be well understood (for example, Bundoora Primary School No. 1915), or complexes that clearly demonstrate key developments in the provision of primary school education over time (Primary School No. 253 in Footscray). The school buildings found at Yarrowonga Primary School are not of equivalent historical or architectural significance.

Places associated with municipal water supplies

Water towers and other places associated with municipal water supplies are a relatively common feature across Victoria, particularly in rural areas. There are a number of places associated with municipal water supplies already included in the VHR. Some are complexes with a range of features that allow the historical association to be particularly well understood. Others have rare or technologically significant features. Other single water towers included in the VHR are particularly fine in their design and craftsmanship, and the example in Cocoroc is a particularly early and important example. The same could not be said of the water tower at the subject site, which is of a standard and utilitarian design. It cannot be considered of the equivalent level of cultural heritage significance as those examples already included in the VHR.

Memorial avenues

Memorial avenues are a relatively common form of war memorial across Victoria. Those examples included in the VHR are particularly extensive, early in their establishment or have outstanding aesthetic values. The row of 16 tamarisk trees included within the school ground at Yarrowonga is of historic interest but could not be considered to demonstrate the same level of cultural heritage significance as those examples in the VHR.

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 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.