

Statement of recommendation from the Executive Director, Heritage Victoria

Donald Shire Offices, PROV VHR H2437
31 McCulloch Street Donald, Buloke Shire
Dja Dja Wurrung country



Executive Director recommendation

Under section 37 of the *Heritage Act 2017* ('the Act') I recommend to the Heritage Council of Victoria ('Heritage Council') that the Donald Shire Offices, located at 31 McCulloch Street, Donald is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (VHR) in the category of Registered Place.

In accordance with section 38 of the Act I include in this recommendation categories of works or activities that may be carried out in relation to the place without the need for a permit under Part 5 of the Act.

I suggest that the Heritage Council determine that:

- The Donald Shire Offices at 31 McCulloch Street, Donald is of State-level cultural heritage significance and is to be included in the VHR in accordance with section 49(1)(a) of the Act
- The proposed categories of works or activities which may be carried out in relation to the Donald Shire Offices 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.



STEVEN AVERY

Executive Director, Heritage Victoria

Date of recommendation: 15/03/2023



The process from here

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.

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

Within the 60-day publication period, any person or body may make a written 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's website](#).

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. The Heritage Council must conduct a hearing if the submission is made by a person or body with a real or substantial interest in the place or object. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

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 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.

Further information

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



Description

The following is a description of Donald Shire Offices at the time of the site inspection by Heritage Victoria in November 2022.

The Donald Shire Offices is located on the traditional land of the Dja Dja Wurrung people.

The Donald Shire Offices comprise a single-storey, asymmetrical rendered brick Federation Free style building, painted in a cream colour with a terracotta roof. At the rear of the building (northwest) there is a small, grassed backyard with some perimeter shrubs, a double carport with an exit to Houston Street, two c.2000s water tanks and communications tower.

The McCulloch Street entrance features two projecting wings with Dutch-style gables each containing a bank of three timber framed windows. Each bank has elaborate surrounds including curvilinear Art Nouveau pediments containing Shire of Donald crests. The pediments are supported by Ionic pilasters on decorative brackets. The main entry porch is set back behind arched loggias and features a pair of timber doors with curvilinear lead-light panels with Art Nouveau initials 'DS' (Donald Shire) as the central motif. The doors include early bronze door furniture.

The Houston Street façade features the title panel '1911 Donald Shire Offices' in Art Nouveau lettering on the central Dutch-style gable. This elevation is characterised by corner towers surmounted by cupolas and central arched loggias at street level. The distinctive corner towers have vertical strapping flanking the ground-floor timber framed windows that extend to parapet level. The cupolas have ribbed metal roofs and contain small timber framed rectangular windows.

The McCulloch Street doors open into an interior foyer which retains unpainted timber dado with wainscot panelling beneath. The northern door of the foyer leads to the Council Chambers which is the largest room in the building on its eastern side (Houston Street). This has a barrel-vaulted ceiling of pressed plaster and elaborate plastered cornice. At the ends of the chamber are oval motifs with broken segmental pediments above. Another early feature of the space is the plastered curvilinear Art Nouveau pediment above a bas-relief of 'The Shire of Donald' crest.

The southern and western doors of the foyer lead to office spaces, some of which retain timber dados with wainscot panelling beneath, and the northeast office has a bas-relief of 'The Shire of Donald' crest. The original strong room can be found adjacent to the southwest office. The northwest corridor from the foyer leads through to later extensions comprising offices, toilets and a back door.

Description images



2022, Rear of building viewed from Houston Street



2022, Houston Street elevation with carport



2022, Corner of McCulloch (LHS) and Houston (RHS) streets



2022, Foyer with door to Council Chamber on RHS



2022, Foyer showing McCulloch Street entrance



2022, Front door with lead-light windows



2022, Council Chambers showing ceiling and door to foyer



2022, Decorative barrel vaulted ceiling of Council Chambers



2022, Shire Crest in Council Chambers



2022, Northeast office, formerly the Committee Room



2022, northeast office



2022, office in rear addition

History

Shire of Donald

In 1861 the St Arnaud Road District was created, encompassing an area including what is now known as the Shire of Buloke. From the 1860s to the 1890s the boundaries of districts and shires in this region were redrawn many times. In 1897 the Shire of Donald was created from the Shire of St Arnaud including the localities of Mount Jeffcott, Donald, Lake Buloke and Watchem. The next major change occurred in 1995 when the shires of Birchip, Charlton, Donald and Wycheproof amalgamated to form the present Shire of Buloke. From 1885 the St Arnaud Shire Council offices were located in the Mechanics Institute, Donald. In 1890 when more room became necessary, premises known as the Town Hall were purchased and altered to suit the Council requirements.

Donald Shire Offices

By 1909 the Donald Shire Council voted to construct new Shire Offices. After several years of public debate, the Council decided in 1911 to call for an architectural competition for the design of the new offices on the corner of McCulloch and Houston streets. The competition was won by the firm of Bunnett and Ryan (also known as Harold Bunnett Architects) of Collins Street, Melbourne with the work to be carried out under the supervision of Harold Desbrowe-Annear. The builder was J Hornsby. The building was officially opened on 23 April 1912 by Thomas Langdon MLA.

When it opened the *Donald Times* reported that the building was 'a substantial, ornate and spacious building'. Its features included:

- a weathervane, turrets and flagpole
- a brick rough cast exterior painted white
- windows on three sides of the building of Murrine glass
- a red tiled roof
- a portico entrance embellished with lead light windows and doors
- doorknobs and handles of bronze
- air shaft ventilation
- red pine furnishings throughout the building finished in oil.

The interior was described as having a 'pleasing uniformity of design and finish throughout on an American model'. The main room was the spacious and formal Council Chambers with particularly ornate interior detailing:

... the cove ceiling in which is of a floral design beautifully finished with cornices richly moulded in fibro cement. There is a handsome mantelpiece in red pine with an overmantel in fibro plaster in which the shire's seal and motto 'Unita fortior' is moulded in the centre, the capping to the overmantel being finished agreeably with the cornices.¹

The Design Process

There is some uncertainty around the design contributions from Bunnett, Ryan and Desbrowe-Annear. Architectural historian Harriet Edquist writes '... it was not [Desbrowe-Annear's] project and the extent of his design is a matter of conjecture'.² Her view is that the building was designed by Bunnett and Ryan in Desbrowe-Annear's Office, 'probably with his input'.³ Available sources indicate the following:

1911: An undated drawing of the building's exterior held at the Donald District Archives bears the name of a firm 'Harold Bunnett Architects'. This appears to be a drawing submitted for the competition.

¹ 'Donald's Development: New Shire Hall: "Unita Fortior"', *Donald Times*, 23 April 1912, unpaginated.

² Harriet Edquist, *Harold Desbrowe-Annear 1865-1933: a life in architecture*, Miegunyah Press, 2004, p. 114.

³ Harriet Edquist, *Harold Desbrowe-Annear*, p.114.



14 July 1911: The *Donald Times* reported that the architects 'are Messers Ryan and Bunnet [Bunnett] 406 Collins Street, Melbourne, and the work is to be carried out in accordance with specifications under the supervision of Mr. H Desbrowe-Annear...'

10 October 1911: The *Donald Times* reported that councillors 'had not seen the architect since the building was commenced' and that 'the building was not being properly supervised'.

11 November 1911: The *Donald Times* reported that the Shire of Donald Council was concerned about a 'lack of supervision' and 'a meeting had been held with the architect, Harold Desbrowe-Annear'. Desbrowe-Annear's fee for visiting Donald was £6.6s, but 'after some discussion he would accept £3.3s'.⁴

5 March 1912: The *Donald Times* reported on delays in construction, stating that 'the contractor had been hampered through the inability to get details from the architect'. One Council member notes that 'the trouble was the architect had not made up his mind from the start. He was making alterations from day to day...'.⁵

23 April 1912: The *Donald Times* report of the opening stated that the building had been constructed by contractor JR Hornsby 'under the general supervision of Mr A. Desbrowe-Annear [Mr H. Desbrowe-Annear], architect of Melbourne, mainly to the designs of Messers. Ryan and Bunnett'.⁶

1912: Harriet Edquist reports that the design of the Shire Offices 'was attributed to Desbrowe-Annear by [the journal] *Building* shortly after completion'.⁷

Later addition: Plans held at the Donald District Archives show that additions were made to the rear of the building after February 1966 (the introduction of decimal currency). The 1911 section of the building was not altered and the additions were not obtrusive. It is unclear who the architect was.

The Executive Director welcomes further information about the authorship and design history of this place.

The Architects

Harold Ernest Bunnett (1891-1965) was born in Mildura. He was articled to Ussher & Kemp and attended the Working Men's College (now RMIT) completing all of the subjects in the architectural course from 1906 to 1911. He was employed as a draftsman with Joseph Plottell, architect, of 31 Queen Street, Melbourne, from 1912 to 1916. He commenced practice as an architect in 1916 with FD Warren, with whom he worked until 1918. He registered as an architect in 1923. He died in Kew, Victoria.⁸

Gerald Ryan (1879-1924) was born in Ararat. He was articled to Inskip and Kemp of Collins Street, Melbourne and attended the Working Men's College (now RMIT). He studied the drawing of architectural ornamentation and painting under artist Leslie Wilkie, also of Collins Street, for two years. He was associated with Harold Desbrowe-Annear from 1908 and commenced private practice in 1911. He registered as an architect in 1923, admitted to the Royal Victorian Institute of Architects in July 1924, and died later that year.⁹

Harold Desbrowe-Annear (1865-1933) was an influential Australian architect who was at the forefront of the development of the Arts and Crafts movement. During the 1890s he was an instructor in architecture at the Working Men's College (now RMIT University) where he founded the T-Square Club in 1900. The club acted as a meeting point for Melbourne's architects, artists and craft workers, and helped to develop a strong Arts and Crafts culture in the city.

Chiefly a designer of houses, one of his most noted civic designs was the Federation Arch (1901) a temporary triumphal arch over Princes Bridge built for the visit to Melbourne of the Duke and Duchess of York, one of eight such arches in Melbourne. In that year his Springthorpe Memorial was unveiled (VHR H0522). Another major work outside the field of domestic architecture was the additions to and new interiors in the Menzies Hotel (1909-1911). From 1910, Desbrowe-Annear's practice gained momentum and received many commissions: eight tenders for residences were called in that

⁴ 'Donald Shire Council', *Donald Times*, 11 November 2011, unpaginated.

⁵ 'A Building Bungle: Donald Shire Hall', *Donald Times*, 5 March 1912, unpaginated.

⁶ 'Donald's Development: New Shire Hall: "Unita Fortior"', *Donald Times*, 23 April 1912, unpaginated.

⁷ Harriet Edquist, *Harold Desbrowe-Annear 1865-1933*, p.114.

⁸ 'Architect Delves into History', *Donald Birchip Times*, 10 June 1992, p.3. Newsclipping in Donald Shire Offices file, Donald District Archives. This newspaper report reproduces professional career summaries of Bunnett and Ryan written by architectural historian Geoffrey Woodfall, who completed a thesis on Harold Desbrowe-Annear in 1955.

⁹ 'Architect Delves into History', *Donald Birchip Times*, 10 June 1992, p.3. Also see Harriet Edquist, *Harold Desbrowe-Annear 1865-1933*, p.80.

year, and he was working on the Menzies Hotel. It appears that his commitments in Melbourne placed limitations on the time available to visit Donald as supervising architect.

Federation Free Style

The Federation Free Style (c.1890-c.1915) drew on the Arts and Crafts idiom but applied it to the design of commercial and institutional buildings. It demonstrated an eclectic combination of elements adapted from styles including classical, Romanesque, Art Nouveau and Queen Anne, with no overall evocation of any particular style of the past. Characteristics included the use of traditional materials, such as stucco, asymmetrical forms and handcrafted elements. The influence of Art Nouveau was sometimes evident in lettering applied to the façade.¹⁰

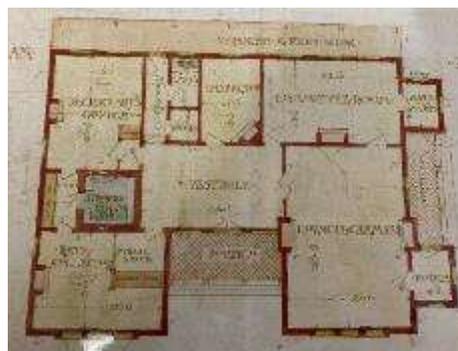
Objects Integral

The commissioning or acquisition of furniture sometimes accompanied the construction of shire offices, town halls and other civic buildings. Photographs indicate that there was a large table and set of chairs in the Council Chambers after the opening of the offices in 1912. These are no longer at the place and their location is unknown. There are no other original or early furniture or movable objects at the place or other known location.

Historical images



Undated (c. 1909-11), Harold Burnett Architects, Drawing, Source: Donald District Archives, Houston Street elevation



Undated (c. 1909-11), Harold Burnett Architects, Drawing, Source: Donald District Archives



1912, Opening of the Donald Shire Offices, Museums Victoria, Item MM 7472, McCulloch Street elevation



Undated, Donald Shire Offices, Foyer, Source: Donald District Archives

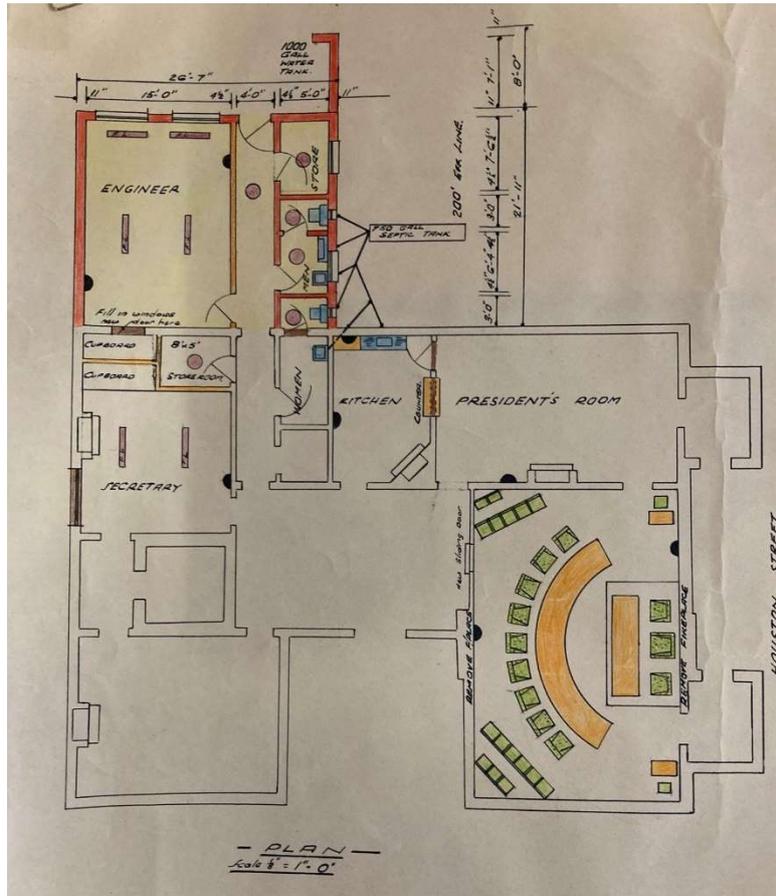
¹⁰ See 'Federation Free Style c.1890-1915' in Apperly, Richard, Robert Irving, Peter Reynolds, *A pictorial guide to identifying Australian architecture: styles and terms from 1788 to the present*, Angus & Robertson, Sydney, 1989. pp. 136-139.



Undated, Donald Shire Offices, Council Chambers, Source: Donald District Archives. Note furniture in the Council Chambers.



Undated possibly 1910s after 1912, Donald Shire Offices, Source: Donald District Archives



Undated after February 1966, plans for additions to Donald Shire Offices, Source: Donald District Archives

Selected bibliography

Apperly, Richard, Robert Irving, Peter Reynolds, *A pictorial guide to identifying Australian architecture: styles and terms from 1788 to the present*, Angus & Robertson, Sydney, 1989.

Donald Shire Offices, Architectural drawings, State Library of Victoria, LTAD33.

Donald Times

'Architect Delves into History', *Donald Birch Times*, 10 June 1992, p.3.

Edquist, Harriet *Harold Desbrowe-Annear 1865-1933: a life in architecture*, Miegunyah Press, 2004.

Jacobs, Taylor, Rowe, Johnson & Ballinger, *Buloke Shire Heritage Study*, Stage 2, Volume 1, 2011.

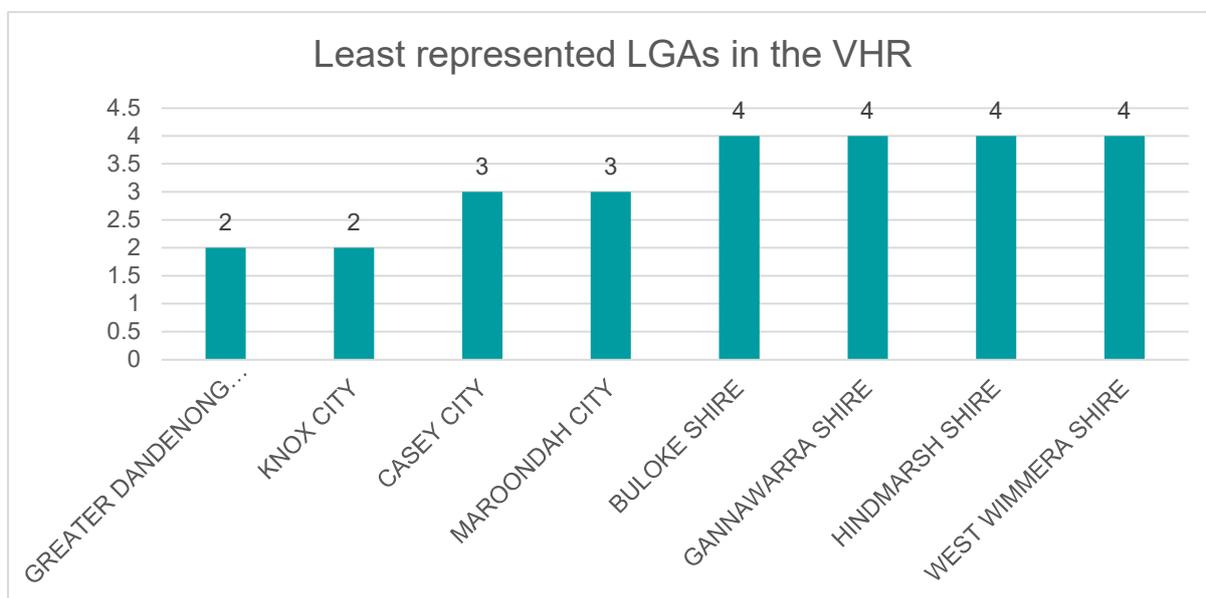


Consultation and interviews

- Site visit, discussions and correspondence with Rodney Hotker, Manager Development Services, Buloke Shire Council (2022-23).
- Visit and discussions with staff at the Donald District Archives (managed by the Donald Historical Society).
- The Executive Director's nomination for the Donald Shire Offices was sent to Emeritus Professor Harriet Edquist for comment on 15 February 2023.

Shire of Buloke in the VHR

The Shire of Buloke is one of the least represented regional LGAs in the VHR, the others being Gannawarra, Hindmarsh and West Wimmera. All are located in the northwest of the state, and each has four registered places.





Further information

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|--|---|
| Heritage Overlay | HO21, Donald Civic Heritage Precinct, Individual Significance, Buloke Planning Scheme |
| Other Overlays | Design and Development Overlay |
| Other Listings | There are no other listings for the place. |
| Other Names | There are no other names for the place. |
| Date of construction | 1911 |
| Architect//Builder/Designer/Maker | Design architects: Gerald Ryan and Harold Ernest Bunnett Supervising architect: Harold Desbrowe Annear |
| Architectural style | Federation Free |

Traditional Owner Information

The place is located on the traditional land of the Dja Dja Wurrung people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Dja Dja Wurrung Clans Aboriginal Corporation.

Victorian Aboriginal Heritage Register

The place is not included in the Victorian Aboriginal Heritage Register and is not an area of Aboriginal cultural heritage sensitivity.

Integrity

The integrity of the place is excellent. The cultural heritage values of The Donald Shire Offices can be easily read in the extant fabric.

(November 2022)

Intactness

The intactness of the place is very good.

There have been some additions and alterations to the rear. The exterior of the building and interiors within the 1911 section, including the strong room, demonstrate a relatively high level of intactness.

(November 2022)

Condition

The condition of The Donald Shire Offices is very good.

(November 2022)

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

Statutory requirements under section 40

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

The Executive Director recommends that the Donald Shire Offices is included in the VHR.

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

Number: H2435

Category: Registered Place

Name: The Donald Shire Offices

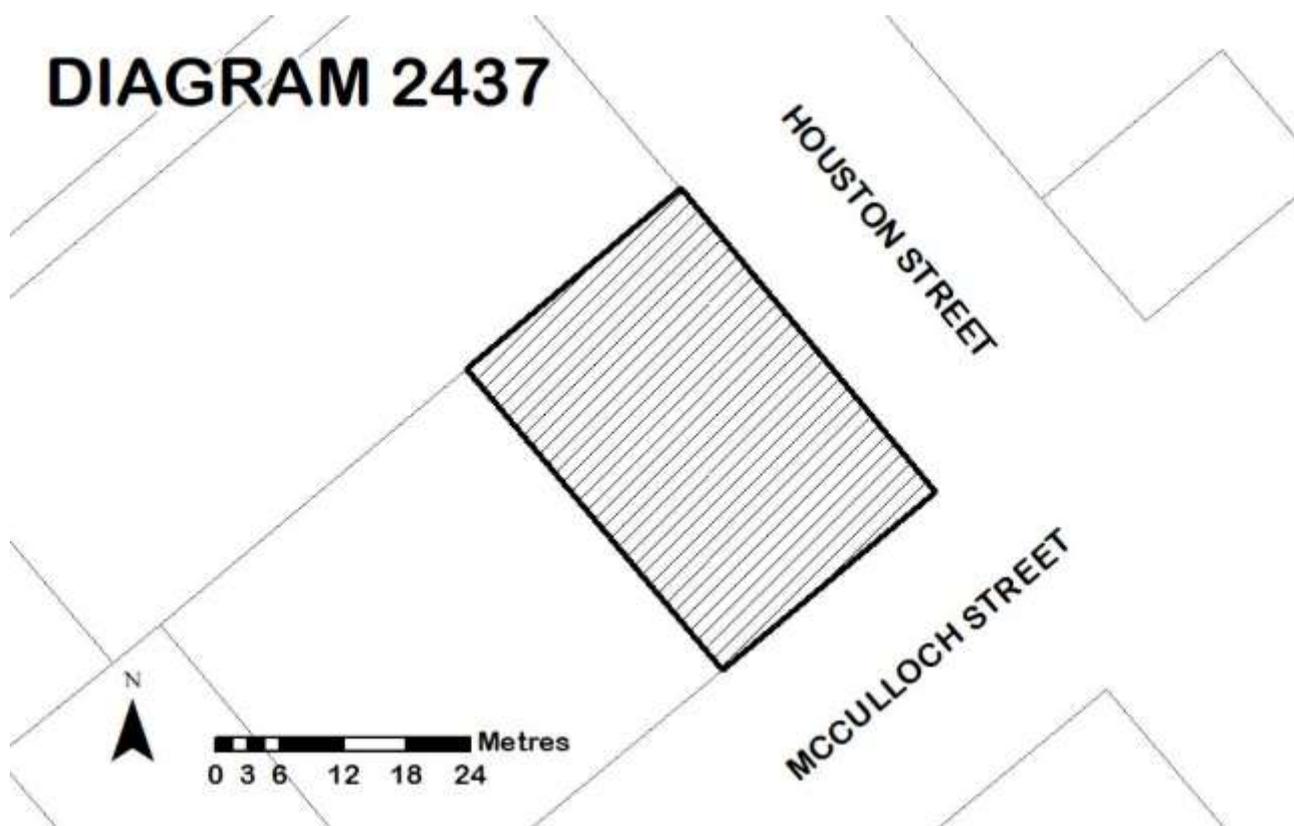
Location: 31 McCulloch Street, Donald

Municipality: Buloke Shire

Proposed extent of registration

The Executive Director recommends that the extent of registration for the Donald Shire Offices be gazetted as:

All of the place shown hatched on Diagram 2437 encompassing all of Lot 2 on Title Plan 390720.



Aerial Photo of the Place Showing Proposed extent of registration



Note: This aerial view provides a visual representation of the place. It is not a precise representation of the recommended extent of registration. Due to distortions associated with aerial photography some elements of the place may appear as though they are outside the extent of registration.

Rationale for the extent of registration

The recommended extent of registration includes the whole of the Donald Shire Offices located in Donald. The recommended extent aligns with the cadastral boundaries.

The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything included in the proposed extent of registration including all of the land, all soft and hard landscape features, all buildings (exterior/s, interior/s and fixtures) is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.



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

Following is the Executive Director's assessment of the Donald Shire Offices against the tests set out in *The Victorian Heritage Register Criteria and Thresholds Guidelines (2022)* (the *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 Criterion A

| No. | Test | Yes/No | Reason |
|-----|---|--------|---|
| A1) | Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history? | Yes | The place has a clear association with the following historical phases in Victoria's cultural history: a) Developing local government authorities b) Designing fine buildings, gardens and landscapes The Executive Director is of the view that the significance of this place at (b) is better assessed under Criterion D . |
| A2) | Is the event, phase, period, process, etc or way of life of historical importance, having made a strong or influential contribution to Victoria? | Yes | The process 'Developing local government authorities' is of historical importance having made a strong and influential contribution to Victoria. |
| A3) | Is there evidence of the association to the event, phase etc or way of life in Victoria's cultural history? | Yes | There is evidence of the association between the place and the process 'Developing local government authorities' in the fabric of the place and documentary sources. |

If A1, A2 and A3 are all satisfied, then Criterion A is likely to be relevant (but not necessarily at the State level)

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| Executive Director's Response: | Yes | Criterion A is likely to be relevant. |
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Step 2 State-level test for Criterion A

| No. | Test | Yes/No | Reason |
|------|---|--------|---|
| SA1) | Does the place/object allow the clear association with the event, phase, period, process, function, movement, custom or way of life of historical importance to be understood better than most other places or objects in Victoria with substantially the same association? | No | a) The place does not allow the association with phase a) to be better understood than most other similar places. There are a large number of shire offices and other civic buildings such as town halls in Victoria which demonstrate the development of local government authorities. The Donald Shire Offices is typical. There is no feature or historical aspect which elevates this to a position where it demonstrates the historical process better than others in the state. |

If SA1 is satisfied, then Criterion A is likely to be relevant at the State level

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| Executive Director's Response: | No | Criterion A is not likely to be relevant 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 Criterion B

| No. | Test | Yes/No | Reason |
|-----|---|--------|---|
| B1) | Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history? | Yes | The place has a clear association with the following historical phases of importance in Victoria's cultural history: a) Developing local government authorities b) Designing fine buildings, gardens and landscapes |
| B2) | Is there evidence of the association to the historical phases etc identified at B1)? | Yes | There is evidence of the association between the place and historical phases a) and b) in the fabric of the place and documentary sources. |
| B3) | Is there evidence that place/object is rare or uncommon, <u>or</u> has rare or uncommon features? <i>See definition of 'rare' on p.6 of the Guidelines.</i> | No | B3(i) There is no evidence that the place is rare or uncommon. Shire halls are not rare or uncommon. B3(ii) There is no evidence that the place has rare or uncommon features. The Donald Shire Hall is a fine Federation Free style building with attractive Art Nouveau detailing. These are best considered under Criterion D. It has no rare or uncommon features. |

If B1, B2 AND B3 are satisfied, then Criterion B is likely to be relevant (but not necessarily at the State level)

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| Executive Director's Response: | No | Criterion B is not likely to be relevant. |
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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 Criterion C

| No. | Test | Yes/No | Reason |
|-----|---|--------|---|
| C1) | Does physical fabric and/or documentary evidence and/or associated oral history or cultural narratives relating to the place/object indicate a likelihood that the place/object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources? | No | The: 1) physical fabric and 2) documentary evidence and 3) associated oral history or cultural narratives relating to the Donald Shire Offices do not indicate a likelihood that the place contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources. There is no evidence to indicate archaeology or hidden areas created by the construction or other processes. |
| C2) | And, from what we know of the place/object, is the physical evidence likely to be of an integrity and/or condition that it could yield | N/A | The integrity and condition of the place may be good, but it is unlikely to yield information through investigation that is |

information through detailed investigation?

not currently visible and/or well understood or available from other sources (see C1).

If both C1 AND C2 are satisfied, then Criterion C is likely to be relevant (but not necessarily at the State level)

Executive Director's Response: No Criterion C is not likely to be relevant.

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

Step 1 Test for Criterion D

| No. | Test | Yes/No | Reason |
|-----|---|--------|--|
| D1) | Is the place/object one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's history? | Yes | The Donald Shire Offices belongs to the class of Federation Free style buildings. This class has a clear association with the following in Victoria's history: Designing fine buildings, gardens and landscapes |
| D2) | Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria? | Yes | Designing fine buildings, gardens and landscapes is a historical process which has made a strong and influential contribution to Victoria. |
| D3) | Are the principal characteristics of the class evident in the physical fabric of the place/object? | Yes | The principal characteristics of the class are evident in the physical fabric of the place. Principal characteristics at the place include: <ul style="list-style-type: none">• asymmetrical composition• eclectic use of elements, some with historical references (Ionic pilasters, arched loggias, corner towers surmounted by cupolas, Dutch-style gables)• use of traditional materials (stucco on the exterior, timber wainscoting in the interior)• handcrafted and bespoke elements (lead-lighted windows with Shire motif)• Art Nouveau detailing, including the ceiling of the Council Chambers and lettering applied to the building's façade. |

If D1, D2 AND D3 are satisfied, then Criterion D is likely to be relevant (but not necessarily at the State level)

Executive Director's Response: Yes Criterion D is likely to be relevant.



Step 2 State-level test for Criterion D

| No. | Test | Yes/No | Reason |
|------|---|--------|--|
| SD1) | <p>Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?</p> <p><i>See definition of 'notable' see Reference Tool D on p.14 of the Guidelines.</i></p> | Yes | <p>The Donald Shire Offices is a notable example of the class Federation Free style building.</p> <p>It is a fine example displaying the principal characteristics of the class in a way that allows the class to be easily understood and appreciated:</p> <ul style="list-style-type: none"> The building has a high level of intactness and retains its form and features from the 1911 design and has a high level of integrity. The highly visible location of the building on an exposed corner block without fences allows the architecture to be clearly appreciated from two open sides. <p>The place displays characteristics that are of a higher quality than are typical of places in the class:</p> <ul style="list-style-type: none"> The Donald Shire Offices is an excellent example of the Federation Free style and demonstrates bold and innovative design qualities. The building is highly resolved and demonstrates a skilful and considered use of forms, stylistic references, and materials in this 'free' approach to architectural design in a civic building. |

If SD1 is satisfied, then Criterion D is likely to be relevant at the State level

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| Executive Director's Response: | Yes | Criterion D is likely to be relevant at the State level. |
|---------------------------------------|-----|--|

CRITERION E: Importance in exhibiting particular aesthetic characteristics.

Step 1 Test for Criterion E

| No. | Test | Yes/No | Reason |
|-----|---|--------|--|
| E1) | <p>Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics?</p> <p><i>See definition of 'aesthetic' on p.5 of the Guidelines.</i></p> | Yes | <p>The physical fabric of the place clearly exhibits aesthetic characteristics particular to design approaches and styles evident in the era, including Arts and Crafts and Art Nouveau.</p> |

If E1 is satisfied, then Criterion E is likely to be relevant (but not necessarily at the State level)

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| Executive Director's Response: | Yes | Criterion E is likely to be relevant. |
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Step 2 State-level test for Criterion E

| No. | Test | Yes/No | Reason |
|------|---|--------|---|
| SE1) | <p>Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by:</p> <ul style="list-style-type: none"> Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or Critical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/or Wide public acknowledgement of exceptional aesthetic qualities of the place/object in Victoria expressed in publications, print or digital media, painting, sculpture, songs, poetry, literature, or other media? | No | <p>There is no evidence that the aesthetic characteristics at the place are 'beyond the ordinary' or are outstanding.</p> <p>While a fine example of the Federation Free style, there is no evidence from within relevant disciplines or acknowledgement across Victoria that the aesthetic qualities of the place are 'beyond the ordinary'.</p> |

If SE1 is satisfied, then Criterion E is likely to be relevant at the State level

| | | |
|---------------------------------------|----|--|
| Executive Director's Response: | No | Criterion E is not likely to be relevant at the State level. |
|---------------------------------------|----|--|

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

Step 1 Test for Criterion F

| No. | Test | Yes/No | Reason |
|-----|---|--------|---|
| F1) | Does the place/object contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created? | No | <p>The Donald Shire Offices does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created.</p> <p>There are no elements that demonstrate technical achievement (for example engineering or scientific) or creative achievement beyond what was typical for the time in which it was designed and constructed.</p> |
| F2) | Does the physical evidence demonstrate a high degree of integrity? | Yes | The physical evidence at the place demonstrates a high degree of integrity. |

If **both** F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)

| | | |
|---------------------------------------|----|---|
| Executive Director's Response: | No | Criterion F is not likely to be relevant. |
|---------------------------------------|----|---|

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 Criterion G

| No. | Test | Yes/No | Reason |
|-------------|--|--------|--|
| G1) | Does the place/object demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here: | | |
| i) | Existence of a community or cultural group; <u>and</u> | Yes | There is evidence that the place has social value in the present day to the Shire of Buloke local community. |
| ii) | Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u> | Yes | There is evidence of a strong attachment of the Shire of Buloke community to the Donald Shire Offices because it is an important civic landmark in the town. |
| iii) | Existence of a time depth to that attachment. | Yes | There is evidence of the attachment dating to the date of construction of the building (1911). |

If all facets of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)

| | | |
|--------------------------------|-----|---------------------------------------|
| Executive Director's Response: | Yes | Criterion G is likely to be relevant. |
|--------------------------------|-----|---------------------------------------|

Step 2 State-level test for Criterion G

| No. | Test | Yes/No | Reason |
|-------------|--|--------|---|
| SG1) | Is there evidence that the social value resonates across the broader Victorian community as part of a story that contributes to Victoria's identity? | No | <p>SG1(i) The social value of the Donald Shire Offices is part of a story in Victoria that contributes to Victoria's identity.</p> <p>The development of local government authorities has been recognised as an important aspect of Victoria's history and is part of Victoria's contemporary identity as a State.</p> <p>SG1(ii) There is no evidence that the social value of the Donald Shire Offices to the Shire of Buloke community resonates across the broader Victorian community:</p> <p>The Donald Shire Offices are a civic landmark which is valued by people in the Shire of Buloke. There is no evidence that its social value has a broader resonance across Victoria, which is the case with most shire halls.</p> |

If all facets of SG1 are satisfied, then Criterion G is likely to be relevant at the State level

| | | |
|--------------------------------|----|--|
| Executive Director's Response: | No | Criterion G is not likely to be relevant 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 Criterion H

| No. | Test | Yes/No | Reason |
|-----|---|--------|---|
| H1) | Does the place/object have a direct association with a person, or group of persons who has made a strong or influential contribution in their field of endeavour? | Yes | <p>H1(i) There is a direct association between the Donald Shire Offices and eminent architect Harold Desbrowe Annear. Desbrowe Annear was the supervising architect.</p> <p>H1(ii) Desbrowe Annear made a strong or influential contribution in his field (architecture).</p> <p>Desbrowe Annear was an influential Australian architect who was at the forefront of the development of the Arts and Crafts movement in the country. In 1996, The Royal Australian Institute of Architects introduced the Harold Desbrowe-Annear Award to the best residential project of the year in Victoria. It is the highest honour in the state for Residential Architecture.</p> |
| H2) | Is there evidence of the association between the place/object and the person(s)? | Yes | <p>There is evidence of the association between the Donald Shire Offices and Harold Desbrowe Annear.</p> <p>Desbrowe Annear was the supervising architect.</p> |
| H3) | Does the association relate: <ul style="list-style-type: none"> • directly to achievements of the person(s); <u>and</u> • to an enduring and/or close interaction between the person(s) and the place/object? | Yes | <p>H3(i) The association between the Donald Shire Offices and Harold Desbrowe Annear relates directly to the achievements of the Desbrowe Annear.</p> <p>Desbrowe Annear was the supervising architect</p> <p>H3(ii) The association relates to a close interaction between Desbrowe Annear and the Donald Shire Offices.</p> <p>Desbrowe Annear was the supervising architect.</p> |

If all facets of H1, H2 AND H3 are satisfied, then Criterion H is likely to be relevant (but not necessarily at the State level)

| | | |
|--------------------------------|-----|---------------------------------------|
| Executive Director's Response: | Yes | Criterion H is likely to be relevant. |
|--------------------------------|-----|---------------------------------------|

Step 2 State-level test for Criterion H

| No. | Test | Yes/No | Reason |
|------|--|--------|---|
| SH1) | Are the life or works of the person/persons important to Victoria's history? | Yes | <p>The life or works of Harold Desbrowe Annear are important in Victoria's history.</p> <p>See above.</p> |
| SH2) | Does this place/object allow the association between the person or group of persons and their importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria? | No | <p>The place does not allow the association between Harold Desbrowe Annear and his importance to be readily appreciated more than most other places or objects in Victoria.</p> <p>The principal designers of this place were architects Harold Bunnett and Gerald Ryan. Although Harold Desbrowe</p> |



Annear was the supervising architect, his contribution to the design is unclear.

Harold Desbrowe Annear was primarily known for his house designs, rather than institutional or civic buildings. The Donald Shire Hall does not allow the importance of Desbrowe Annear to be readily appreciated that his other works, namely the many notable houses he designed, and for which he received acclaimed.

If SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level

| | | |
|--------------------------------|----|--|
| Executive Director's Response: | No | Criterion H is not likely to be relevant at the State level. |
|--------------------------------|----|--|

Comparisons

These places/objects were selected as comparators to the Donald Shire Offices as they are from the same era and have similar architectural characteristics.

Federation Free Style Buildings (VHR)

PROVINCIAL HOTEL

121 LYDIARD STREET NORTH BALLARAT CENTRAL,
BALLARAT CITY

VHR H0432

The Provincial Hotel (1909) designed by Percy Richards, is architecturally significant for its distinct and unusual composition in a Federation Free Style. The building features Renaissance-style window treatment, rusticated stone at ground level, Art Nouveau wrought iron, stained glass and decorative panels, and Islamic-inspired ogee domes. There is also Norman-style architectural detailing, such as the banded voussoir treatment of the loggia, interspersed with other features including a projecting oriel tower and turret, and a rendered parapet irregularly pierced by domes and chimneys.



PRINCE ALBERT HOTEL

149 DOUGLAS PARADE WILLIAMSTOWN, HOBSONS BAY
CITY

VHR H1793

Prince Albert Hotel (1915-16) designed by Sydney Smith and Ogg is of architectural significance as a highly original and distinctive example of a late Federation Free Style hotel. The picturesque, sweeping corner with its pair of oriel windows topped by conical roofs flanking a covered balcony is unusual and gives the building a medieval flavour. This treatment is a variant on the Sydney Smith & Ogg corner tower motif found in many of their hotels including the Bendigo Hotel, Collingwood and the Kilkenny Inn, Melbourne. The exterior is a largely intact example of a Federation hotel.



FORMER RICHMOND SOUTH POST OFFICE

90-92 SWAN STREET CREMORNE, YARRA CITY

VHR H0048

The Richmond South post Office (1905) designed by JB Cohen and W Mackay of the Victorian Public Works Department, is architecturally significant as a highly individual and distinctive example of the Federation Free style, including a landmark tower, pyramidal tower roof, interest and variation at skyline, prominent brackets, the use of contrasting materials and colour, and subtle external asymmetry.



STATE SAVINGS BANK

13 BALLARAT STREET YARRAVILLE, MARIBYRNONG CITY

VHR H0723

The State Savings Bank (1909) was designed by the architectural firm of Sydney Smith and Ogg. It is a notable and intact of a Federation Free Style building drawing on Romanesque and Art Nouveau styles.



COURT HOUSE

170 COMMERCIAL ROAD YARRAM, WELLINGTON SHIRE

VHR H1491

The Yarram Court House (1907-08) is architecturally significant for its distinctive Federation Free Style design, with its unusual massing and roof form. It displays considerable creative and technical achievement. It was designed by architect JB Cohen of the Public Works Department.



Federation Free Style Buildings (HOs)

BENDIGO HOTEL

125-27 JOHNSTON STREET, COLLINGWOOD, YARRA CITY

HO324 Individually significant in the Johnston Street Heritage Overlay Area

The Bendigo Hotel (1911) was designed by Sydney Smith and Ogg in a Federation Free Style. It is notable for its Art Nouveau decoration (including façade lettering) and oriel corner towers.



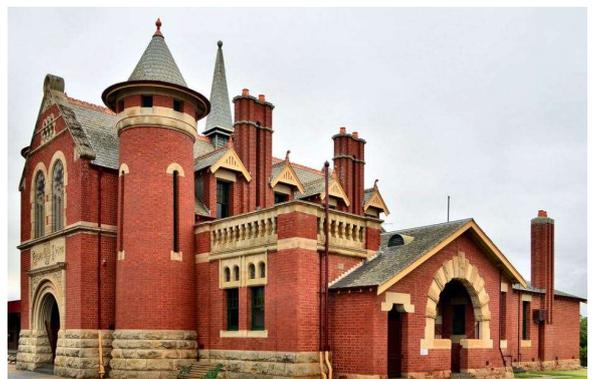
Art Nouveau influenced buildings (VHR)

COURT HOUSE

4 NICHOLSON STREET BAIRNSDALE, EAST GIPPSLAND SHIRE

VHR H1462

Bairnsdale Court House (1893) is architecturally significant for its innovative and unusual combination of historical and architectural features, blending Art Nouveau, Romanesque, Medieval and Australian motifs and styles. The building is largely intact and is a striking structure reminiscent of a fairy-tale castle with turrets, towers, balustrading, spire gable roof with steep and gentle pitches, skylights and dormer windows.



ANSELM

4 GLENFERRIE STREET CAULFIELD NORTH, GLEN EIRA CITY

VHR H1795

Designed by noted architect Robert Haddon and built in 1906, this building is architecturally significant as an Arts and Crafts influenced villa. It combines elements including the corner tower and decorative Art Nouveau style terracotta work. The building is significant for exhibiting a richness in hand crafted or painted decoration, which are evidence of Haddon's lifelong interest in art and craftwork. Anselm is important for its ability to demonstrate many of the principles he explored in his book *Australian Architecture* (1908).



OFFICE

202 LITTLE LONSDALE STREET, MELBOURNE, MELBOURNE CITY

VHR H0509

This Office (façade 1905) designed by J. Edmund Burke is of architectural significance because of its Art Nouveau features, which place it in an important period of architectural development in Australia when a distinctive Australian style of architecture. The new style featured a move away from the stuccoed Renaissance Revival towards the use of red brick and render, passing through a Queen Anne phase with associated art-nouveau decoration, eventually adopting a strong, American Romanesque-influenced style featuring large openings. This building clearly reflects the new approach, displaying little interest in traditional decorative details and presenting a dynamically-modelled facade to the street.



Works by Desbrowe-Annear (VHR)

There are no works attributed to Harold Ernest Bunnett and Gerald McMahon Ryan in the VHR.

SPRINGTHORPE MEMORIAL, BOROONDARA GENERAL CEMETERY

430-440 HIGH STREET KEW, BOROONDARA CITY

VHR H0522

The Springthorpe Memorial (1897) is significant for its design and aesthetic qualities. It is a free composition in the Greek Doric style and once considered to be 'the most beautiful work of its kind in Australia'. No other example is known of such composition, architectural design and execution, or scale. The memorial demonstrates the work of several artists including Desbrowe Annear, Bertram Mackennal, the glass manufacturers Auguste Fischer and the bronze work of Marriots.

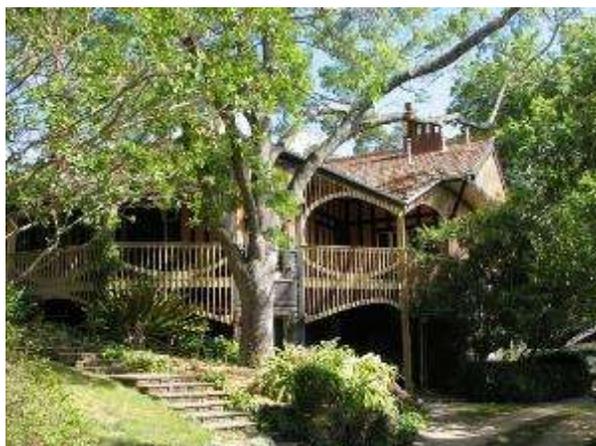


CHADWICK HOUSE

32-34 THE EYRIE EAGLEMONT, BANYULE CITY

VHR H1156

Chadwick House (1904) is architecturally significant as an outstanding example of the work of eminent and influential architect Harold Desbrowe Annear. Through its incorporation of Modernist ideas and Medieval-inspired design principles, this building was influential in the development of the Art and Crafts movement in Australia. It is an example of Annear's importance in introducing the open plan form into Australian domestic architecture.



MACGEORGE HOUSE

25 RIVERSIDE ROAD IVANHOE, BANYULE CITY

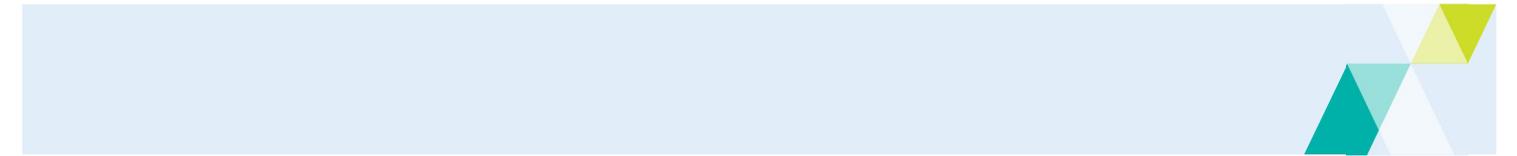
VHR H2004

The Macgeorge house (1911) is of architectural significance as an important and remarkably complete example of the work of leading architect Harold Desbrowe Annear in the early years of this century. While demonstrating a number of features typical of his work at this time, such as his love of roughcasted and half-timbered bungalow forms and richly detailed Arts & Crafts interiors, it shows his broad tendency in this period toward simplification and abstraction of form and details, factors important to the notable character of his later work.



Summary of Comparisons

The Donald Shire Offices is a similarly notable building to other Federation Free Style buildings in the VHR. It demonstrates a bold asymmetry and the adoption of an Arts and Crafts ethic as well as Art Nouveau detailing. For a modest civic commission in a remote part of Victoria in the Federation era, the Shire Hall demonstrates an unusually high quality of architectural design, which is also evident at the 1908 Yarram Court House (VHR H1491). The Donald Shire Offices is an important example of the development of design philosophies of architects working in the Federation era, including Harold Bunnett, Gerald Ryan and Harold Desbrowe Annear, the latter rising to become one of Victoria's most eminent architects of the twentieth century.



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

Statement of significance

What is significant?

The Donald Shire Office, designed in 1911 by Harold Bunnett and Gerald Ryan in a Federation Freestyle under the supervision of the architect Harold Desbrowe-Annear.

How is it significant?

The Donald Shire Office is of architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects

Why is it significant?

The Donald Shire Offices are architecturally significant as a fine example of a Federation Free style building. It has stylised Dutch gables, arched apexes crowned by orbs and corner towers surmounted by cupolas and arcaded loggias. Art Nouveau features include stained glassed entrance doors featuring ornamental wreaths into which is set a 'DS' for Donald Shire. The Council Chamber is particularly fine and includes a barrel-vaulted ceiling of pressed plaster and elaborate plastered cornices and a plastered curvilinear Art Nouveau pediment above a bas-relief of the Shire of Donald crest. [Criterion D]



Recommended permit exemptions under section 38

Introduction

A heritage permit is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are exempt from a heritage permit, if the proposed works will not harm the cultural heritage significance of the heritage place or object.

Permit Policy

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

Permit Exemptions

General Exemptions

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the *Heritage Act 2017*.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#)

Specific Exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Donald Shire Offices subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the *Heritage Act 2017* and general exemptions established in accordance with section 92(1) of the *Heritage Act 2017* specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the *Heritage Act 2017*, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the *Heritage Act 2017*, the *Heritage Act 2017* will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.

- 
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
 7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the *Heritage Act 2017* must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
 8. All works should be informed by a Conservation Management Plan prepared for the place or object. 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.

Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the Aboriginal Heritage Act 2006 (Vic)) must be contacted immediately to ascertain requirements under the Aboriginal Heritage Act 2006 (Vic).
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the Aboriginal Heritage Act 2006 (Vic), all details about the location and nature of the human remains must be provided to the Secretary (as defined in the Aboriginal Heritage Act 2006 (Vic)).

Exempt works and activities

- 1) Repair and maintenance of the carport.
- 2) Demolition of the carport.
- 3) Repair and maintenance of the c.2000s water tanks.
- 4) Removal of the c.2000s water tanks.
- 5) Repair and maintenance of the communications tower within existing footprint/structure.
- 6) Removal of the communications tower.

Appendix 1

Heritage Council 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)

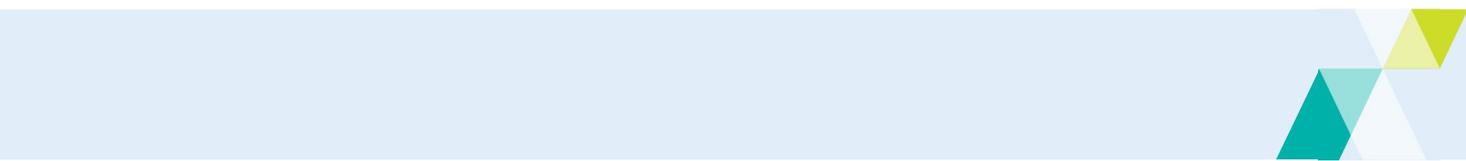
Within the period of 60 days, any person or body may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the Heritage Council's [website](#).

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—
 - (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.
- (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.