

# Statement of Recommendation from the Executive Director, Heritage Victoria

Camp Hill Primary School, H1642

50 Gaol Road, Bendigo, Greater Bendigo City

Dja Dja Wurrung Country



## Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Camp Hill Primary School, located at 50 Gaol Road Bendigo in the Victorian Heritage Register (VHR) be amended.

In accordance with section 62 of the *Heritage Act 2017* (the Act), I suggest that the Heritage Council determine to:

- Amend the reasons why the place is included in the VHR based on the Heritage Council criteria
- Include additional land
- Determine categories of works or activities which may be carried out in relation to the place for which a permit is not required (permit exemptions)



**STEVEN AVERY**

**Executive Director, Heritage Victoria**

**Date of recommendation: 15 January 2024**

## 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 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.

### 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. 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.

### 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 or object.

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

### 5. Further information

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

## History

Camp Hill Primary School (also known as Camp Hill Central School, State School No. 1976) was built in 1877 on the Police Camp site in Bendigo. This sixty-six acre site was set aside for police purposes in 1852 and provided the base for military and police presence during the Gold Rush. The Gold Commissioner's Headquarters was also located on the site, and the government viewed it as a suitable site for a much-needed central school.

The school opened in 1878 with an enrolment of 1290 students. The building was designed by Henry Robert Bastow of the Education Department and built by contractor, Thomas Corley. It is regarded as perhaps the grandest state school building in Victoria. Located on a steeply sloping site, it is an imposing two storey, red brick building with slate roof and substantial bluestone base, designed in the Early English Gothic style.

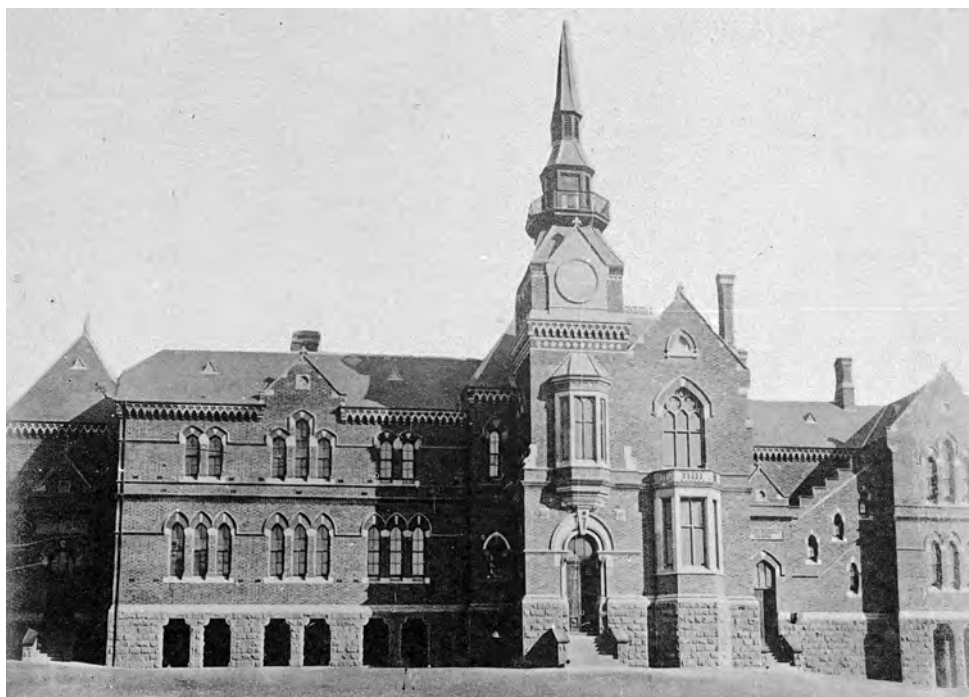
The main south elevation is highly asymmetrical with a dominant central entrance bay. Two bay windows, including one which is corbelled above the entrance, reflect the importance of the rooms internally being those of the Principal and the Board of Advice (local school committee). Classroom wings, which flank this central section, are dominated by rows of lancet windows. Other distinctive features include the expression of the internal staircase externally in a series of windows and stringcourses and the Romanesque corbel table under the eaves, highlighted in contrasting brickwork. The bluestone basement, with a regular succession of openings at the main southern elevation, combines with the main floors to suggest that the building is three storeys high.

Camp Hill Primary School was one of the last government schools built with classrooms of sixty to sixty-five feet length. Though these long classrooms were popular in early Victorian school design, Camp Hill was one of only three schools built after 1875 with classrooms of this length.

The most iconic feature of the school building is the tower which extends from the central entrance bay. Before the school was built, the City Council requested that the school design include a fire lookout tower, taking advantage of the building's elevated position on top of Camp Hill. The Government consented to this request. The tower with crowning fleche was constructed as the city's fire look-out and incorporated a fire bell and elevated balcony with glass protected observation room. It was run by the City Fire Board. Watchmen would ring the bell if they spotted a fire, alerting nearby lookout towers and fire brigades. The bell was also used to commemorate major world events. For example, it tolled to inform Bendigo of the death of Queen Victoria in 1901.

As enrolments declined, the building was used for multiple other purposes. Bendigo Continuation School (later Bendigo High School), Golden Square High School and Eaglehawk High School all started in the Camp Hill Primary School building. Bendigo Teachers College was also reopened in the building. For a time, the school was a Central School, teaching grades 7 and 8 as well as primary students, though this was discontinued in the 1930s.

## Historical images



*Camp Hill State School, 1890. Photograph by W H Robinson Studio. Source: Museums Victoria, Item MM 3914.*



*Camp Hill State School, 2008. The exterior of the school remains almost entirely intact. Source: Heritage Victoria.*

## Selected bibliography

Blake L J (ed) (1973) *Vision and Realisation: A Centenary History of State Education in Victoria*, The Government Printer, Melbourne.

Burchell L (1980) *Victorian schools: a study in colonial government architecture, 1837-1900*, Melbourne University Press, Melbourne.

Butler G and Assoc (1993), *Eaglehawk and Bendigo Heritage Study*, Victoria.

Peterson R (1993) *Historic Government Schools: a Comparative Study June 1993*, Department of Planning and Development, Melbourne.



## Further information

### 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 included in the Victorian Aboriginal Heritage Register. The place is in an area of Aboriginal cultural heritage sensitivity.

### Integrity

The integrity of the place is very good. The cultural heritage values of Camp Hill Primary School can be easily read in the extant fabric. The building is still largely used for its original purpose, though the fire tower is no longer used.

### Intactness

The intactness of the place is excellent. The main southern elevation is particularly intact.

### Condition

The condition of the place is very good.

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. Alternatively, a place or object may be in excellent condition but be of low cultural heritage significance.

## Amendment recommendation

### State-level cultural heritage significance of the place

The cultural heritage significance of the Camp Hill Primary School was recognised when it was included in the Register of Government Buildings in 1982. Its State-level cultural heritage significance was confirmed in 1998 when it was transferred to the Victorian Heritage Register.

### Amendment application

On 30 October 2023 the Executive Director made and accepted an application to amend the registration of the place to ensure it is consistent with current practices under the Act.

### Additional land

The Executive Director recommends that the Heritage Council amend this registration because in accordance with section 49(1)(d)(i) and (ii):

- 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; and
- ii) land surrounding the place is important to the protection or conservation of the place or contributes to the understanding of the place.

### Reasons under section 49(1)(d)(i)

- The land proposed for inclusion both is and has been used in conjunction with the place. The land proposed for inclusion has been used in conjunction with the place for 146 years.

- If a large-scale modern development were constructed in close proximity to the place, it would have the potential to greatly diminish the setting and context of the 1877 school building and therefore reduce its State-level architectural values.
- The inclusion of additional land will ensure that all change is managed through a permit approvals process which is consistent across the entirety of this place and would provide certainty for all parties.

#### Reasons under section 49(1)(d)(ii)

- The current extent is too limited and is insufficient to protect, conserve and allow for a proper understanding of the place.
- Including an area of land around the buildings will enable potential change immediately adjacent to the building (for example, new additions) to be managed under a permit process.
- Inclusion of an area of land around the buildings will also enable works and activities that could potentially impact on the conservation of the building, such as drainage and paving, to be managed under a permit process.
- Inclusion of an area around the building provides a setting for the place.

### Amending the Heritage Council Criteria

**This place is currently registered on the basis of the following Criteria:**

**The Executive Director recommends that the place is registered on the basis of the following Criteria:**

Criterion A (Historical Significance)

Criterion D (Architectural Significance)

Criterion D (Architectural Significance)

Camp Hill Primary School is currently registered under Criteria A and D. It is proposed to remove the reference to Criterion A.

Camp Hill Primary School is currently listed as having historical significance as an “important landmark in the City of Bendigo. Due to its size, siting and central position, it became regarded as the most important school in the city. The incorporation of the city's fire tower, and its use as both lookout and warning bell, are important”. Though the place has local historical significance, its historical significance is not considered to reach the state level test for Criterion A.

In contrast, Camp Hill Primary School's architectural significance is clear and notable. As outlined in the proposed statement of significance, Camp Hill Primary School is a fine example of an 19th century school building in Victoria. It displays characteristics which are unusual for its class and is of a higher architectural quality than similar schools.

### Change of name

The current name of the place in the VHR is Camp Hill Central School No. 1976. It is proposed to change the name to ‘Camp Hill Primary School’ to reflect the current name of the school, and current conventions for listing Primary Schools in the VHR. Camp Hill Central School and Primary School No. 1976 will be recorded as alternative names.



## Statutory requirements under section 40

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

The Executive Director recommends that the registration of Camp Hill Primary School in the VHR is amended.

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

**Number:** H1642

**Category:** Registered Place.

**Name:** Camp Hill Primary School

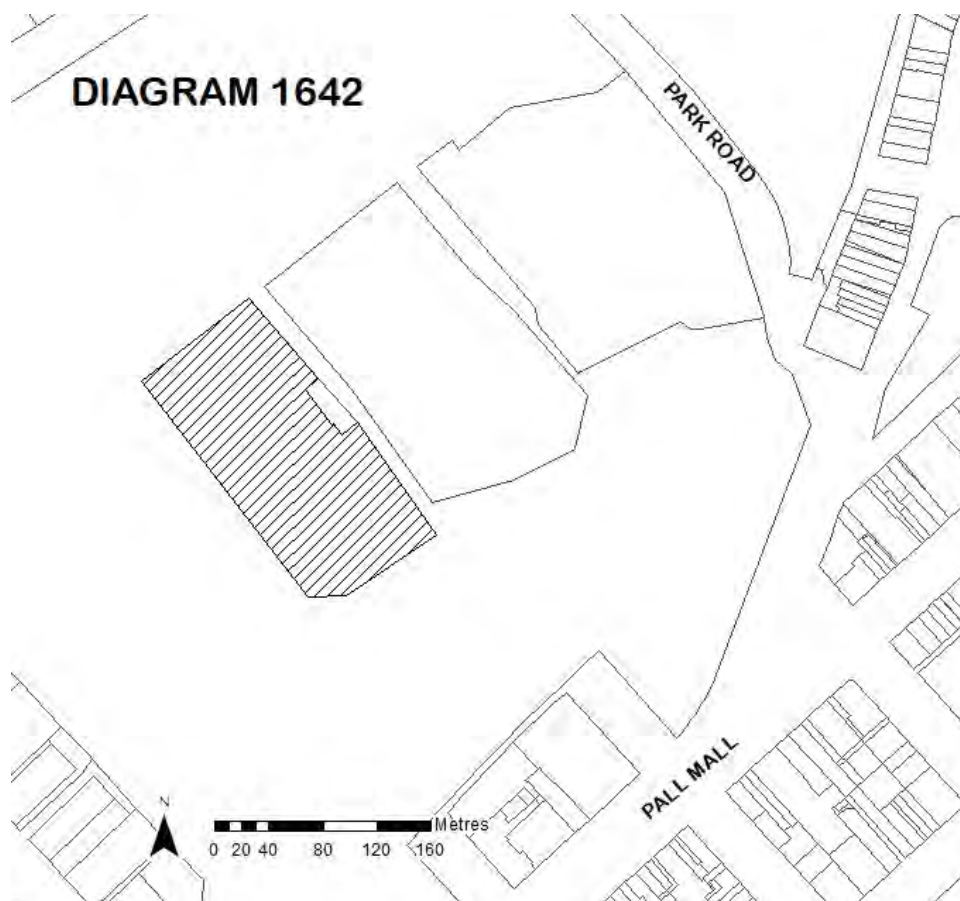
**Location:** 50 Gaol Road Bendigo

**Municipality:** Greater Bendigo City

### Proposed extent of registration

The Executive Director recommends that the extent of registration for Camp Hill Primary School name be gazetted as:

All of the place shown hatched on Diagram 1642 encompassing Crown Allotment 15 Section 89C at Bendigo, Parish of Sandhurst.



## 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 comprises the entirety of Crown Allotment 15 Section 89C at Bendigo Parish of Sandhurst (Crown Allotment 15). The boundaries of Crown Allotment 15 align with the historic and current grounds of Camp Hill Primary School.

Camp Hill Primary School is located within a group of significant heritage places which are listed in the Victorian Heritage Register. Crown Allotment 15 abuts both the Old Police Barracks (H0545) and Rosalind Park (H1866). In addition, it is near Bendigo Senior Secondary College (H2229), Former Bendigo Gaol (H1550) and the Former Supreme Court (H1465), amongst other places.

If only part of Crown Allotment 15 were to be registered, it would result in a large area of unregistered land in the centre of the group of registrations. Registering the entirety of Crown Allotment 15 will provide clarity and ensure the continued protection of the both the registered place and the larger group. This is consistent with the approach taken at other registered places in the group.

It is noted that the entirety of Crown Allotment 15 is already listed in the Victorian Heritage Inventory, as part of Rosalind Park (H7724-0263).

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 the land, all soft and hard landscape features, plantings and all buildings (exteriors, interiors 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.

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

### Statement of significance

#### What is significant?

The 1877 Camp Hill Primary School building, designed by Henry Robert Bastow, located on a steeply sloping site, is an imposing two storey, red brick building with slate roof and substantial bluestone base, in the Gothic style. The school is also unusual for incorporating a fire lookout tower, taking advantage of the building's elevated position overlooking Bendigo.

#### How is it significant?

Camp Hill Primary School 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?

Camp Hill Primary School is architecturally significant as one of the most substantial and finely designed school buildings constructed in Victoria. Its vast scale, intact facades and unusual detailing make it an important example of the work of Henry Robert Bastow of the Education Department. In the design of schools, details such as the corbel table under the eaves are rare, the only other example being at Windsor Primary School (1877), and the inclusion of two bay windows is unique to this school building. The expression of the staircase externally is also unusual, as is the tower which once served as the city's fire lookout. [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/object type in a manner which respects its cultural heritage significance.

### Permit Exemptions

#### General Exemptions

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

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 Place or object name 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 Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act 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 Act 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*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
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*, 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*).

### Exempt works and activities

1. Buildings constructed or moved to the site post 1990:
  - i) All internal works.
  - ii) Removal or demolition.
2. Landscape/ outdoor areas:
  - i) Installation and replacement of shade sail fabric and supporting structure.
  - ii) Replacement of playground equipment and outdoor furniture in the same location.
  - iii) Pruning of all trees to ensure safety.
  - iv) Removal, replacement and installation of new ground surfacing treatments (for example, asphalt, safety matting) provided it is not within five metres of significant buildings.



## Existing registration details

*Please note: the 'History' section of the database will be expanded to include many of the points in the existing statement of significance.*

### Existing extent of registration

Amendment of Register of Government Buildings

Bendigo City

Camp Hill Central School No. 1976, Rosalind Park, Bendigo.

[Victoria Government Gazette No. G39 12 October 1988 p3087]

Transferred to the Victorian Heritage Register 23 May 1998 (2 years after the proclamation of the Heritage Act 1995 pursuant to the transitional provisions of the Act)

### Existing statement of significance

#### What is significant?

The Camp Hill Central School was built in 1877 on the Police Camp site in Bendigo. Sixty six acres were set aside for police purposes here in 1852, providing the base for military and police presence during the 1850s, when an enormous number of people were attracted to the goldfield. The Gold Commissioner's Headquarters were also located on this site and the government viewed it as a suitable site for a much needed central school.

The school, which opened in 1878 with an enrolment of 1290 students, was designed by Henry Bastow of the Education Department and built by contractor, Thomas Corley. Located on a steeply sloping site, it is an imposing two storey, red brick building with slate roof and substantial bluestone base, designed in the Early English Gothic style. The principal south facade is highly asymmetrical with a dominant central entrance bay which incorporates a tower and two bay windows, including one which corbels out above the entrance. These bays reflect the importance of the rooms internally; those of the Principal and the Board of Advice. Classroom wings, which flank this central section, are dominated by rows of lancet windows.

Particularly distinctive features include the expression of the internal staircase externally in a series of windows and stringcourses, the Romanesque corbel table under the eaves, highlighted in contrasting brickwork, and the tower with crowning fleche. The latter was constructed as a fire tower, and incorporated a fire bell and elevated balcony with glass protected observation room.

#### How is it significant?

The Camp Hill Central School is of architectural and historical significance to the State of Victoria.

#### Why is it Significant?

The Camp Hill Central School is of architectural significance as one of the most substantial and finely designed school buildings constructed in Victoria. Its vast scale, intact facades and unusual detailing make it an important example of the work of Henry Bastow of the Education Department. In the design of schools, details such as the corbel table are rare, the only other example being at Windsor Primary School (1877), and the inclusion of two bay windows is unique to this school building. The expression of the staircase externally is also unusual.

The Camp Hill Central School is of historical significance as an important landmark in the City of Bendigo. Due to its size, siting and central position, it became regarded as the most important school in the city. The incorporation of the city's fire tower, and its use as both lookout and warning bell, are important.

[Online Data Upgrade Project 2004]



## Existing permit policy and 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.

### Specific Exemptions:

General Conditions: 1. All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

General Conditions: 2. Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible. Note: All archaeological places have the potential to contain significant sub-surface artefacts and other remains. In most cases it will be necessary to obtain approval from the Executive Director, Heritage Victoria before the undertaking any works that have a significant sub-surface component.

General Conditions: 3. If there is a conservation policy and plan all works shall be in accordance with it. Note: A Conservation Management Plan or a Heritage Action Plan provides guidance for the management of the heritage values associated with the site. It may not be necessary to obtain a heritage permit for certain works specified in the management plan.

General Conditions: 4. Nothing in this determination prevents the Executive Director from amending or rescinding all or any of the permit exemptions. General Conditions: 5. Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the responsible authorities where applicable. Minor Works : Note: Any Minor Works that in the opinion of the Executive Director will not adversely affect the heritage significance of the place may be exempt from the permit requirements of the Heritage Act. A person proposing to undertake minor works must submit a proposal to the Executive Director. If the Executive Director is satisfied that the proposed works will not adversely affect the heritage values of the site, the applicant may be exempted from the requirement to obtain a heritage permit. If an applicant is uncertain whether a heritage permit is required, it is recommended that the permits co-ordinator be contacted.

## 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 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—
    - (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.