

Statement of Recommendation from the Executive Director, Heritage Victoria

Eaglehawk Primary School, H1628

Church Street and 88-94 High Street, Eaglehawk, Greater Bendigo City
Dja Dja Wurrung Country



Image source: eaglehawkps.vic.edu.au/

Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Eaglehawk Primary School, located at Church Street Eaglehawk 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

A school was first erected at Eaglehawk in 1856. The original wooden school room was replaced by a brick school by the architect HE Tolhurst in 1866. During the 1870s further brick buildings were erected to accommodate students. In 1881 the Methodist Church was leased to the Education Department until a new school was erected.

The new school building, addressing Church Street, was designed by H.R. Bastow and constructed by Newton and Borland (Castlemaine builders). Works commenced in 1884 with construction of a wing for the infant school, which now forms the left wing of the current school. In 1886 the two-storey central structure with tower and belfry, and the right wing, were completed. The new building was officially opened in November 1886.

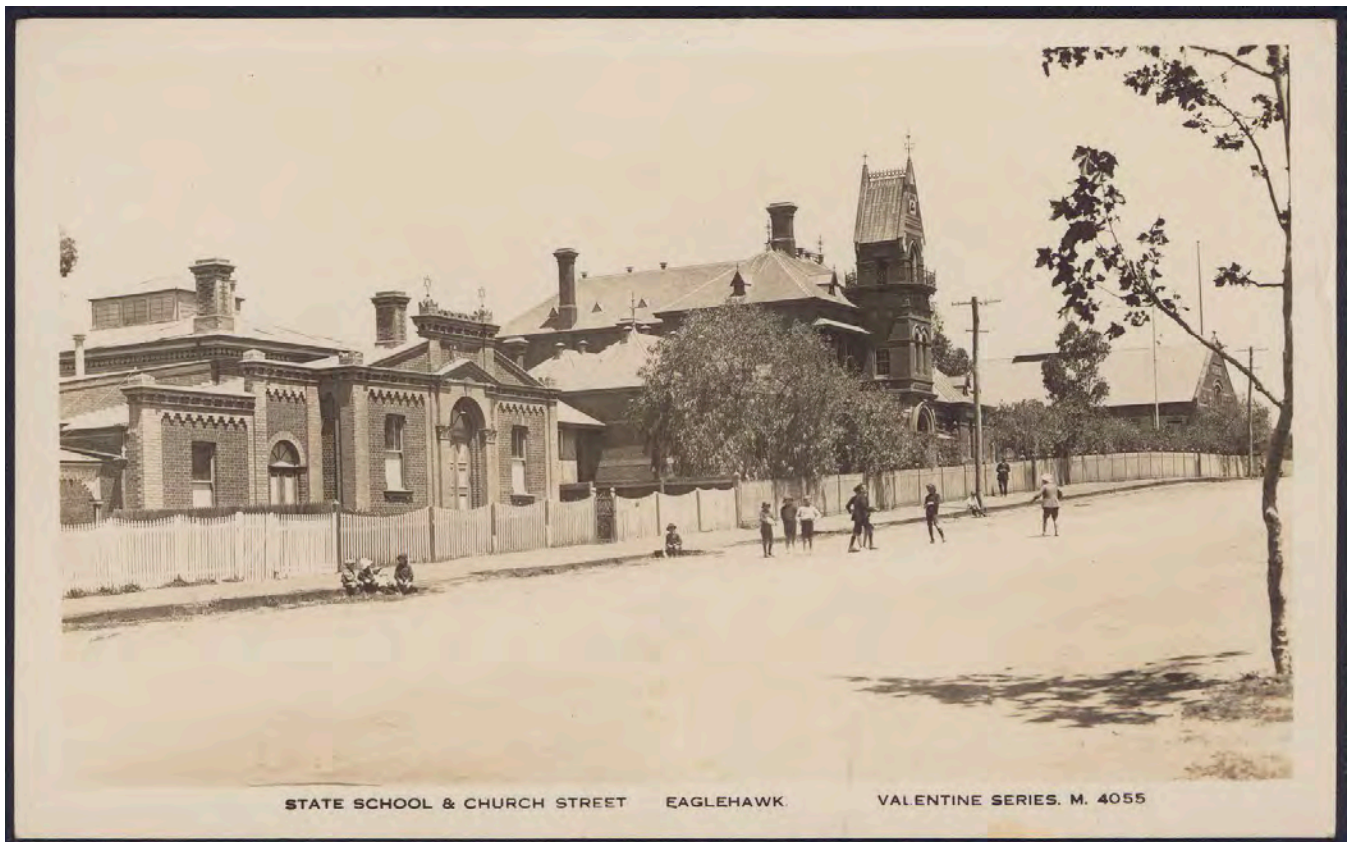
The Gothic-style building, with its clear distinct sections, is constructed of red brick, ornamented with black and white bricks and Waurin Ponds stone. Original small verandahs and hoods over the windows, provide some shade in hot summer months. The most striking feature of the building is the bell tower, which gives prominence to the central section, while subordinating the wings. The tower, brick ornamentation and verandahs and hoods provide further emphasis to the central section and make the building visually dominant on the Church Street streetscape.

Eaglehawk Primary School is a fine example of school architecture which developed during the 1880s in Victoria, following the initial rush of enrolments after the *Education Act 1872*. The Education Department was no longer designing new schools for over 800 pupils and preferred one-storey designs. However, it also wanted its schools to be easily seen, and appear consequential and grand. Eaglehawk Primary School's design displays a compromise, with a prominent two-storey central block and subordination of compact one-storey wings.

Eaglehawk Primary School's design shows inspiration from other schools built during the period. The symmetrical elevation was common in early state school designs (see, for example: Clifton Hill Primary School VHR H1621 and Former Hawksburn Primary School VHR H1032). The prominence of Eaglehawk Primary School's two-storey central block, flanked by two subordinate wings, was a design element developed at Warrnambool State School and Brunswick State School, and further improved at Vere Street Collingwood State School No. 2462. The tower's relationship with the building is a straight reuse of the design seen at State School 260 (VHR H1645, now Matthew Flinders Girls Secondary School).

In 1980 the Department of Education officially acquired the Former Eaglehawk East Methodist Church building for use by the Eaglehawk Primary School. This building is listed separately in the Victorian Heritage Register (VHR H1458).

Historical images



Church Street Eaglehawk, looking south-west, likely taken in the early 1900s. Eaglehawk Primary School is the central building. This photograph clearly shows the intentions of the architect, with the central tower giving the compact school visual dominance on a crowded streetscape. The other buildings in this photograph are Eaglehawk's Masonic Hall (left) and Salvation Army Hall (right), both still extant. Original publisher: Valentine & Sons' Publishing Co. Source: State Library of Victoria, Valentine Series M. 4055.

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 not included in the Victorian Aboriginal Heritage Register.

Integrity

The integrity of the place is very good. The cultural heritage values of Eaglehawk Primary School can be easily read in the extant fabric. The place is still used for its original purpose.

Intactness

The intactness of the place is very good.

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 Eaglehawk 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 24 November 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)

- 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 Gothic-style school building constructed between 1884 and 1886, 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)

- 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.

Amending the Heritage Council Criteria

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

None specified

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

Criterion D (Architectural Significance)

The current statement of significance is extremely limited and does not specify the criteria under which Eaglehawk Primary School was registered. It is proposed to register Eaglehawk Primary School under criterion D, as its architecture is a notable example of government school design during the 1880s. An analysis for adding criterion D is below.

Change of name

The current name of the place in the VHR is Primary School No. 210. It is proposed to change the name to 'Eaglehawk Primary School' to reflect the current name of the school, and current conventions for listing Primary Schools in the VHR. Primary School No. 210 will be recorded as an alternative name.

Statutory requirements under section 40

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

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

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

Number: H1628

Category: Registered Place.

Name: Eaglehawk Primary School

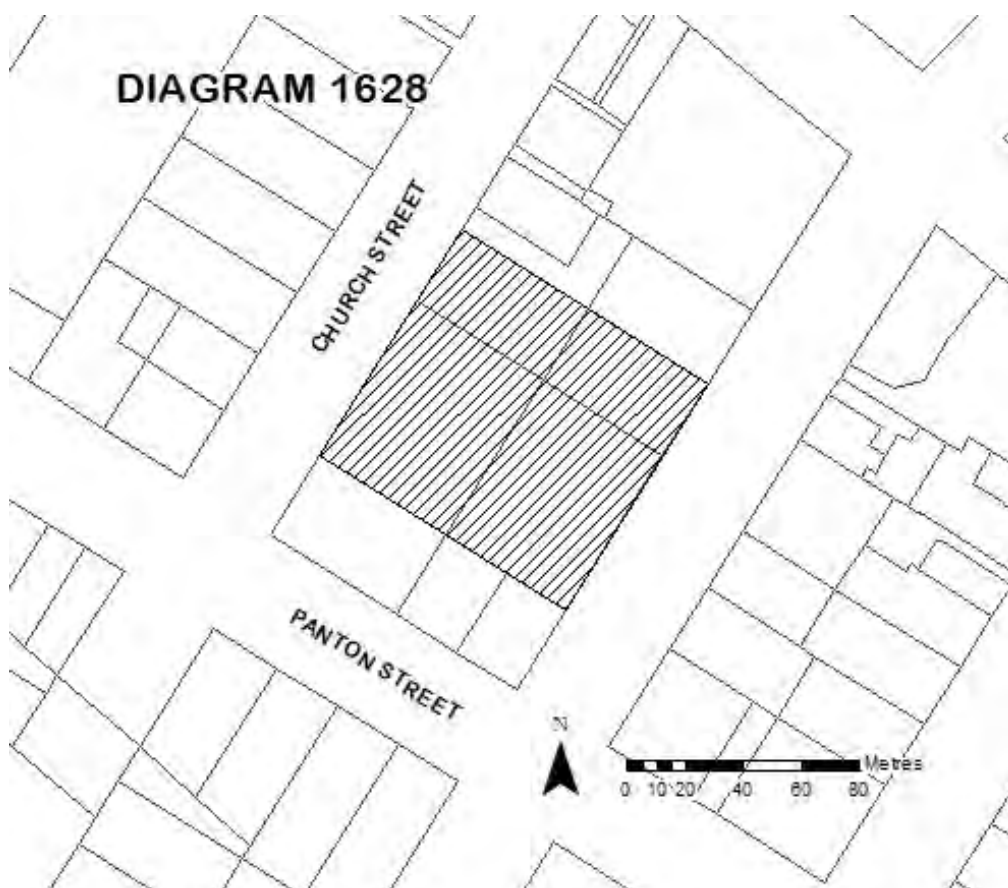
Location: Church Street and 88-94 High Street Eaglehawk

Municipality: Greater Bendigo City

Proposed extent of registration

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

All of the place shown hatched on Diagram 1628 encompassing all of Crown Allotments 2, 7 and 8, Section 5 at Eaglehawk and Lot 3 on Title Plan 707133.



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 all of Lot 3 TP707133 and Allotments 2, 7 & 8, Section 5 at Eaglehawk.

The 1886 school building is located on Lot 3 TP707133 and Allotment 8, Section 5 at Eaglehawk ('Allotment 8').

The rear elevation of the school building is positioned less than 5 metres from the boundary of Allotment 8, requiring the inclusion of Allotment 7, Section 5 at Eaglehawk for an appropriate buffer. Allotment 2, Section 5 at Eaglehawk is included so that the registered area is a simple, easy to understand, rectangular shape.

It will also require that a permit application be made for any development at the rear of the 1886 building to enable any impact on the heritage values of the place to be assessed.

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.

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 Eaglehawk Primary School against the tests set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). 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 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	Eaglehawk Primary School belongs to the class of 19 th century government school buildings. It has a clear association with the later phase of 19 th century government school architecture, following the initial rush of building following the <i>Education Act 1872</i> . Eaglehawk Primary School represents a new approach to school design by the Department of Education, focusing on smaller schools not based on the standard designs of 'competition schools', but still borrowing elements used in other designs.
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	The mid to late 1880s is a historical phase in government school architecture which has made a strong and influential contribution to Victoria. This period saw a decrease in mass construction and expenditure for government school buildings, but an increase in diverse design. Though schools in this period were often smaller than the vast 'competition schools' of the mid to late 1870s, they showed a more creative approach to school design throughout the State.
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. This is expressed through: <ul style="list-style-type: none"> a) The compact design (especially when compared with 'competition school' designs). b) The red-brick gothic construction, typical for government school buildings during this period. c) The ornamented central block with tower, representing the Department's desire to emphasise the school's status in the community.

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.
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Step 2 State-level test for Criterion D

No.	Test	Yes/No	Reason
SD1)	Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?	Yes	<p>Eaglehawk Primary School is a notable example of the class of government school buildings, as a fine example of school design from the mid to late 1880s.</p> <p>Though a similar design was used at schools such as Matthew Flinders School (VHR H1645), the towers of these other schools were often built as extensions to existing buildings. Eaglehawk Primary School is notable as a school design which envisaged the prominent central block and subordinate wings from the beginning of the design process.</p> <p>When compared with other schools from this period, Eaglehawk Primary School demonstrates one of the finest examples of hierarchy in the design. This is achieved through techniques such as ornamentation, relative height and scale, and difference in the amount of setback from the street.</p>

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

Executive Director's Response:	Yes	Criterion D is likely to be relevant at the State level.
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Summary of cultural heritage significance (section 40(4)(a))

The Executive Director recommends that the Eaglehawk Primary School be included in the VHR in the category of Registered Place.

Statement of significance

What is significant?

The Gothic-style Eaglehawk Primary School with central two-storey section and two subordinate one-storey wings, completed in 1886.

How is it significant?

The Eaglehawk 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?

Eaglehawk Primary School is architecturally significant as a fine example of government school design during the 1880s, following the initial rush of construction after the *Education Act 1872*. Though schools built in this period were often smaller than the vast 'competition schools' of the mid to late 1870s, they showed a more creative approach to school design. When compared with other schools from this period, Eaglehawk Primary School is one of the finest examples, combining a prominent two-storey central block with one-storey subordinate wings. This is achieved through techniques such as ornamentation, relative height and scale, and difference in the amount of setback from the street. The inclusion of a bell tower, brick ornamentation and verandahs and hoods provides further emphasis on the central section, while the relatively plain design of the wings decreases their prominence in the architectural composition. It is important to note that the wings were part of the original design, and not later additions. The hierarchy of forms within the building is therefore notable, as it displays the intention of the architect to create an imposing streetscape elevation, while keeping the building relatively compact in design. [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. All other buildings constructed or moved to the site post 1990:
 - a. All internal works.
 - b. Removal or demolition.
2. Landscape/outdoor areas:
 - a. Installation and replacement of shade sail fabric and supporting structure.
 - b. Replacement of playground equipment and outdoor furniture in the same location.
 - c. Pruning of all trees to ensure safety.
 - d. 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 registration 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

Eaglehawk Borough

Primary School No. 210, Church Street, Eaglehawk.

[Victoria Government Gazette No. G39 12 October 1988 p3088]

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

In 1856 a wooden schoolroom was built where the present school stands in Church Street. A brick addition was made in 1866; the architect was HE Tolhurst, builder Robert Jeffrey and cost £440. In 1870 a further brick building was added; builder John Hanton, cost £291. In 1873 the school was recognised as a state school and "new" buildings (alterations and additions to the old) was constructed by Kennedy and Anderson at a cost of £1067. The design of this building was much criticised. In 1884 a new building was planned and a wing for an infant school was completed then. In 1886 the contract for completion of the building by the district architect, George Mason was given to Newton and Borland, builders, for the cost of £4359.

[Source: Bendigo Urban Conservation Study]

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.

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.