

# Statement of Recommendation from the Executive Director, Heritage Victoria

Former Bank of NSW and Residence, H0308  
67 Piper Street, Kyneton, Macedon Ranges Shire  
Taungurung Country



## Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Former Bank of NSW, located at 67 Piper Street, Kyneton 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.

## Description

The following is a description of the Former Bank of NSW and Residence at the time of the site inspection by Heritage Victoria in November 2023.

The Former Bank of NSW and Residence is located on the traditional land of the Taungurung people.

### Exterior

The former Bank of NSW and residence is located on the corner of Piper Street, the former commercial centre of Kyneton, and Powlett Street. The main bank building forms a notable part of this streetscape and dominates the site with a two-storey Georgian design and a dressed coursed bluestone composition. The building is symmetrical and decorated with quoining and a string course that denotes the ground floor and first floor to the Piper Street façade. To the sides and rear, the bank building is a rougher textured stonework. The slate roof is supported by decorative eaves brackets, and to the east and west ends of the roof are four symmetrically located rectangular chimneys finished with cornices. A projecting regency portico with recessed panelling and simple cornice denotes the entrance. Along the western face of the bank building is a more recent weatherboard 'lean-to' structure.

### Interior

The bank is entered from the north on Piper Street, with a secondary entrance historically used by servant staff located to the east on Powlett Street. The main entrance leads to the large banking chamber on the ground floor, which currently houses museum displays. The banking chamber leads to the bank vault or strong room, which is largely intact with original locking mechanism. West of the bank vault is an office and internal entry to the 1904 'lean to', which occupies the footprint of the original conservatory. The original timber stairs provide entry to the first floor, which houses the bank manager's residence.

The space of the former bank master's residence including parlour, dining room, and servery have been altered. New plasterboard ceilings, ceiling roses, cornices, wallpaper, and painting were introduced as part of the community works to establish the museum in a recreation of a nineteenth century bank manager's residence. While the finishings are non-original, the Baltic timber flooring and window joinery is original. The general arrangement of the banking chamber and residence have been retained, as has the additional locking mechanism to the bank vault which is operable from the dining room.

### Outbuildings

Behind the main bank building and connected with a more recent roof is the kitchen outbuilding, a single storey brick structure with a hipped roof and brick chimney. Internally there has been much alteration to walls and ceiling, but it does retain the original brick fireplace and bluestone flagstones. The roof and verandah connect the washhouse building, located immediately behind the kitchen, though the two buildings are of separate date and construction. The washhouse is a single storey, weather board and brick structure with a Colorbond skillion roof. It features a substantial brick chimney and fireplace constructed around 1904.

To the southern boundary of the site, further behind the kitchen and washhouse is the stables and coach house, a two-storey coursed masonry building. The gabled roof is of corrugated iron, which conceals the original shingle roof beneath. To the eastern elevation of this building is a loft door, accessible by a 1971 addition timber staircase. The timber doors are likely later additions, as are the finials to the gable roof.



## Description images



*2023, former Bank of NSW and residence to the first floor viewed from Piper Street*



*2023, Regency style entry portico. Eaves and eaves bracket added 1876 also visible*



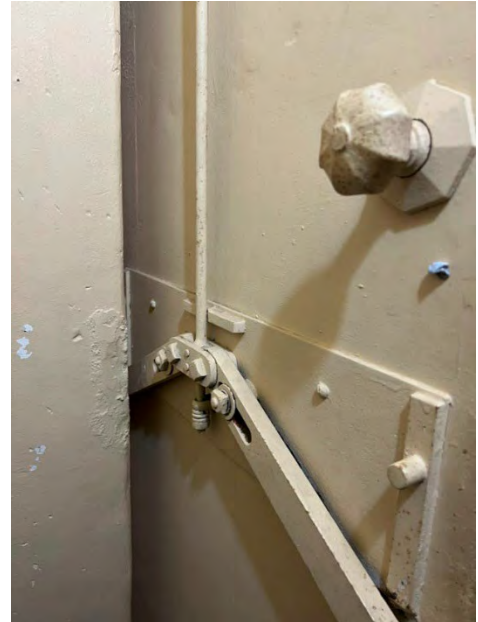
*2023, c.1904 weatherboard 'lean to' addition to western façade of bank building*



*2023, Timber stairs and joinery to upstairs bank manager's residence. Source: MTA&H Conservation Management Plan*



2023, underfloor locking mechanism viewed from the dining room of the bank manager's residence upstairs



2023, second locking mechanism to bank vault, operable from the dining room of the bank manager's residence



2020, former kitchen block and wash house outbuilding east façade, source: MTA&H Conservation Management Plan



2020, Stables and coach house, source: MTA&H Conservation Management Plan

## History

The Bank of NSW opened for business in 1817 in Macquarie Place, Sydney on an earlier recommendation from Governor Macquarie.

The discovery of gold in the 1850s generated interest from the colonial banks, facilitating a rapid expansion of banking activity with these banks establishing agencies on the goldfields, and soon after establishing permanent branches in nearby towns. The Former Bank of NSW and residence in Kyneton is an example of this, when in 1854 the bank's Assistant Secretary and Inspector, John Hunter Baillie, visited Victoria intending to leverage the success of the gold boom. Baillie returned to Sydney and recommended the first Victorian branch of the Bank of NSW be established in Kyneton.

The first bank manager was Alexander Archer, who took up the position in 1854 and by July of that year, was operating the Kyneton branch on the ground floor of Halliday's Folly, a now demolished two-storey brick building west of the present site on the corner of Piper and Wedge streets. In 1855 Archer arranged for the purchase of a permanent site for the bank, being the present site on the corner of Piper and Powlett streets. During 1855 the construction of the substantial bluestone bank building was carried out, completed by March 1856, costing £5,431.11.1. The building was completed to a design by Italian-born architect Andrea Stombuco, who was a sculptor, monumental mason and later architect known for both his ecclesiastical and commercial work around Kyneton and Goulburn. The design was supervised by William Douglas and construction carried out by Bruce and LePage. A notable feature of this design that has since been demolished was the glazed conservatory to the western elevation of the primary bank building, requested by Archer himself so he could display his exotic plantings.

In 1876, the architect William Pritchard was engaged by the Bank of NSW to alter the appearance of the building. The alterations included the removal of the Georgian parapet and cornice along the Piper Street elevation and the construction of a hipped slate roof with eaves supported by decorative timber brackets. The squat chimneys were also raised and given decorative cornices. A gabled two storey bluestone stables and coach house building was also constructed at this time.

The 1880s marked the realisation that a branch on Mollison Street was necessary if the Bank of NSW was to remain competitive, after the opening of the railway station removed the commercial centre of town to Mollison Street during the 1860s and 1870s. In 1904, the Piper Street location ceased operation as a branch but was still in practical use as an agency and residence for the manager of the Mollison Street branch. By 1910, it was utilised solely as a bank manager's residence and in 1923 the Bank of NSW sold the site and buildings. While in private ownership the bank building was used as a private residence and later as a boarding house.

In 1968, the Kyneton Shire Council sought the option to purchase the former bank property. In response to a public appeal in June of the same year the necessary funds were sourced through public donations and the assistance of the State Government. The Kyneton Folk Museum was officially opened in 1970.

Around this same time, several locally significant buildings from around Kyneton were removed from their original sites and reconstructed at the present museum site. These buildings include, the Goose House, Theaden Cottage, the Pig Market structure, and the Armstrong and People's building. The 2020 Conservation Management Plan produced by Michael Taylor Architecture & Heritage has assessed these buildings as significant at the local level. As these buildings do not possess State level heritage significance, where possible they have been excluded from the recommended extent of registration.



## Historical images



1880, Piper Street looking eastward. Bank of NSW on the right.  
Source: MTA&H Conservation Plan, originally from Kyneton Folk Museum Collection



1859, Westward view along Piper Street, Bank of NSW on left.  
Source: MTA&H Conservation Plan, originally from Sands and Kenny Directory, Fay Bolton Collection



c. 1860s, Bank of NSW, note original parapet design to roof and conservatory to the western elevation.  
Source: MTA&H Conservation Plan, originally from Kyneton Folk Museum Collection



## Selected bibliography

Michael Taylor Architecture & Heritage. *Conservation Management Plan Kyneton Folk Museum*. Prepared for Macedon Ranges Shire Council, 2020.

## Consultation and interviews

Meredith Blake, acting Museum Supervisor, Kyneton Museum.

## Further information

### Traditional Owner Information

The place is located on the traditional land of the Taungurung people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Taungurung Land and Waters Council.

### 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 the Former Bank of NSW and residence can be easily read in the extant fabric.

The place is easily understood as a former bank and residence. The present use as a museum is conducive to this and has allowed the retention of the internal arrangement which has been staged to reflect use as a bank and bank manager's residence.

(November 2023)

### Intactness

The intactness of the place is good.

The place is very intact. All the furniture displayed was moved to the bank with the opening of the site of the museum and many of the wall coverings were introduced then also. However, the relationship between the internal spaces of the banking chambers and residence is highly intact, as is the timber joinery and additional locking mechanism to the bank vault from the dining room.

(November 2023)

### Condition

The condition of the former bank and residence is good.

There is some water damage to the internal spaces of the bank and outbuildings.

(November 2023)

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.

## Intactness/ Integrity/ Condition images



*2023, water damage to kitchen outbuilding.*



*2023, water damage to first floor of bank building.*

## Amendment recommendation

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

The State-level cultural heritage significance of the Former Bank of NSW and Residence was recognised in 1974 by its inclusion in the Register of Historic Buildings.

### Amendment application

On 18 December 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 is and has been used in conjunction with the place since the former bank was first opened in 1854.
- If any of the land were developed there is potential for the development to impact upon the outbuildings of the former Bank of NSW and Residence and the legibility of the place as a banking complex, and substantially reduce the State-level cultural heritage significance of the place.
- Including additional land will ensure that all works are managed through a permit approvals process consistent across the entirety of this place and would provide certainty for all parties.

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

- There is currently no land included in the registration of the Former Bank of NSW. The inclusion of land immediately around the building that incorporates all outbuildings on the site is important to the protection and conservation of the place.
- Including an area of land around the buildings will enable works immediately adjacent to the building (for example, new additions) to be managed under a permit process.
- Inclusion of land around the Former Bank of NSW and Residence provides a setting for the place and captures the outbuildings that are important to understanding the former bank as a complex.

### Amending the Heritage Council Criteria

#### This Place is currently registered on the basis of the following Criteria:

Older registration, no criteria included.

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

Criterion A (Historical Significance)

Criterion D (Architectural Significance)



## Statutory requirements under section 40

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

The Executive Director recommends that the registration of Former Bank of NSW and Residence in the VHR is amended.

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

**Number:** H0308

**Category:** Registered Place.

**Name:** Former Bank of NSW and Residence

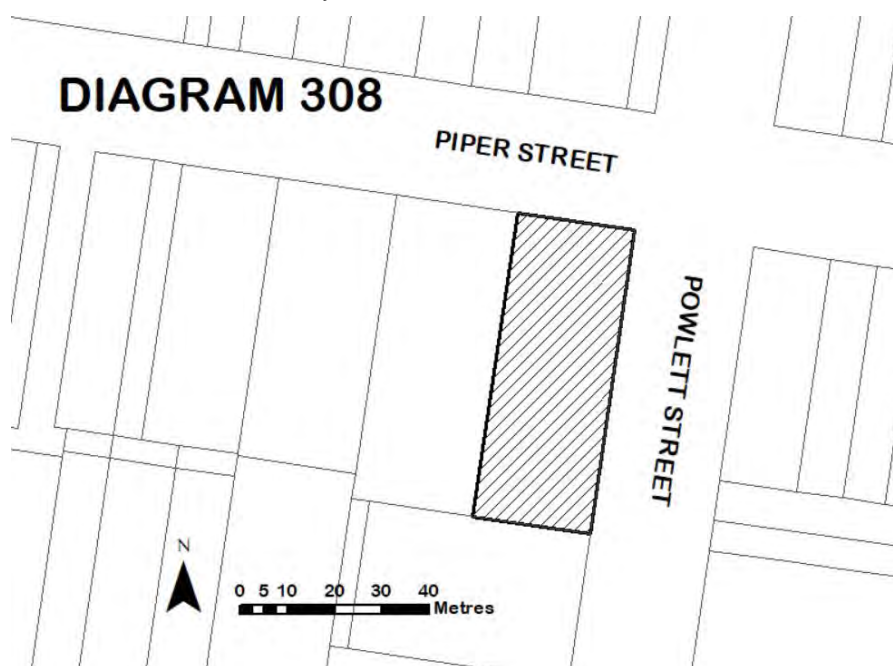
**Location:** 67 Piper Street, Kyneton

**Municipality:** Macedon Ranges Shire

### Proposed extent of registration

The Executive Director recommends that the extent of registration for Former Bank of NSW and Residence be gazetted as:

All of the place shown hatched on Diagram 308 being that part of Crown Allotment 10 Section 29 Township of Kyneton within 20 metres of the Powlett Street lot boundary.



## 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 the land that the former bank is situated on and captures the significant outbuildings which include the washhouse, kitchen, and stables. The extent does not include the land to the west of the bank and buildings transported to the site since 1969 and the reopening of the bank as a museum. These buildings are not of state level cultural heritage significance, but a number are locally or regionally significant and are best protected by their current inclusion in the Macedon Ranges Planning Scheme Heritage Overlay HO202. The goose house building immediately west of the stables has been included in the registered extent to provide a curtilage for the bank and its outbuildings, but a permit exemption has been given for its demolition.

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, plantings, all buildings including interiors, exteriors and other fixtures, and any archaeological features are 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))

The Executive Director recommends that the Former Bank of NSW and Residence be included in the VHR in the category of Registered Place.

## Statement of significance

### What is significant?

The Former Bank of NSW and Residence was built in 1856 to a design by Andrea Stombuco and was designed to incorporate both banking premises and accommodation for the bank manager and their family. The two-storey Georgian building is of coursed bluestone construction with quoining to the Piper Street façade and a slate roof. The Piper Street elevation also features a single storey Regency style portico. Significant outbuildings include the kitchen, wash house and stables. The first floor of the building is the bank manager's residence.

### How is it significant?

The Former Bank of NSW and Residence is of historical and architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

#### Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

#### Criterion D

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

### Why is it significant?

The Former Bank of NSW and Residence is historically significant at the state level because it was the first permanent inland bank building established by the Bank of NSW in Victoria. It is historically significant for associations with the first bank manager, Alexander Archer, who also owned Hanging Rock, a nearby public recreational reserve. The former bank and associated outbuildings demonstrate the former business centre of Kyneton, an important nineteenth century highway town, which was arranged around Piper Street. [Criterion A]

The Former Bank of NSW and Residence is architecturally significant as an example of a mid-nineteenth century bank complex. The building interiors generally retain the original 1855 spatial layout along with fine timber staircase and joinery with only some minor alterations, making it a notable and fine example of the class. The former bank of NSW and Residence is also architecturally significant as a fine early Australian example of the work of the Italian born monumental mason, sculptor and building contractor, Andrea Stombuco. Stombuco was to become an important builder and architect noted for his church, commercial and residential buildings in Victoria, Queensland and other States. The Former Bank of NSW and Residence is architecturally significant for its colonial Georgian design with a centrally located, single storied Regency porch, constructed from bluestone and with a slate roof. [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

The Kyneton Folk Museum Conservation Management Plan prepared by Michael Taylor Architecture & Heritage dated August 2020 may provide some useful background and guidance. It is recommended that the 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 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 Former Bank of NSW and Residence 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. Demolition of the 1971 external timber stairs to the eastern elevation of the stables in a manner that ensures no harm to the bluestone wall of the stables.
2. Demolition of and all internal works to the Goose House structure.
3. The installation of freestanding exhibits and displays where these do not require alterations to building fabric.

## Existing registration details

### Existing extent of registration

*Shire of Kyneton*. No.308.Former Bank of N.S.W., 67 Piper Street, Kyneton.

[*Victoria Government Gazette* No 100 Wednesday, October 9 1974 p.3650]

### Existing statement of significance

Former Bank of New South Wales, 67 Piper Street, Kyneton, is a blue- stone structure erected in 1856 for the bank to the designs of architect PW Douglas. The two storied structure is constructed in coursed bluestone masonry and has a hipped slate roof. The building is symmetrically arranged about the centrally located single storied porch, which is faced with bands and has a cornice. The chimneys, eaves, brackets, quoins, window and door surrounds and string course are features.

Former Bank of New South Wales, 67 Piper Street, Kyneton, forms part of the notable townscape of Kyneton, an important nineteenth century highway town. This bank is a landmark in the town and is an essential part of its streetscape. The structure is particularly representative of the long business centre of the town, which contracted after the gold rushes, closing this bank. The important essentially Georgian design is distinguished by its regency porch and classical eaves brackets and chimneys. Former Bank of New South Wales, 67 Piper Street, Kyneton, closed in the 1880s and was a residence until recent years when the building became a museum. Intactness is good and condition is excellent.

[*Source: Register of the National Estate Citation*]

### Existing permit policy and permit exemptions

Nil.

## 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.