

Statement of Recommendation from the Executive Director, Heritage Victoria

Former Portland National School, H1647
45 Palmer Street Portland, Glenelg Shire
Gunditjmara Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Former Portland National School, located at 45 Palmer Street Portland, 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 include additional land in the VHR (section 49(1)(d)(i) and (ii) of the Act); and
- that the proposed categories of works or activities which may be carried out in relation to the place for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the place (section 49(3)(a) of the Act).



STEVEN AVERY

Executive Director, Heritage Victoria

Date of recommendation: 18 March 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, 46A 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, 42A, 42B, 42C, 42D 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

The National Board of Education operated from 1851 to 1862, managing government-funded, non-denominational schools. If a local community could raise some money towards school building costs, the National Board of Education would provide land and cover the remaining cost. In Portland the community raised over £500, and the Government then granted two acres of ground, and provided £900.

The Former Portland National School was built in 1855-56 to a design by local architect John Barrow. It opened in October 1856, with Mr and Mrs Dunbar appointed as resident teachers with 112 enrolled students.

The Former Portland National School is constructed of local bluestone and addresses Julia Street. It comprises a double-storey, five-roomed teachers' residence abutted by a single-story schoolhouse. The double-storey section comprises a central porch, first-floor window mouldings and a chimney set in the centre of the apex of the roof. Both sections have notable terminations to the gables. As it was forbidden to use government money for ornamentation, the building has a relatively plain exterior.

The intended design was to follow a symmetrical plan typical for early National Schools in Victoria with a central teacher's residence and a school room either side. At Portland the planned second single-storey wing, intended as the girls' school room, on the west side of the two-storey section was never constructed.

By 1862 there were 193 National School buildings. About 23 remain today, with the Former Portland National School being one of the oldest and most intact.

The Portland National School became a Common School in 1862 and a State School in 1873. A new school building was erected to the north of the site in 1879. The Former Portland National School is now located on the grounds of the Portland Primary School which continues to use the building.

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.

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

Sawyer W (1981), *Portland Urban Conservation Study*, Victoria.

Further information

Traditional Owner Information

The place is located on the traditional land of the Gunditjmara people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Gunditj Mirring Traditional Owners Aboriginal Corporation.

Victorian Aboriginal Heritage Register

The place is not included in the Victorian Aboriginal Heritage Register.

Integrity

The integrity of Former Portland National School is very good. The cultural heritage values of Former Portland National School can be easily read in the extant fabric. The building is still part of Portland Primary School, and retains its key features, including the original 'National School' sign.

Intactness

The intactness of Former Portland National School is very good. The external fabric is largely intact, including the original 'National School' sign.

Condition

The condition of Former Portland National School 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 Former Portland National 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 January 2024 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 40(4)(c):

- (i) the State-level cultural heritage significance of the place would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
- (ii) the additional land surrounds the place and is important to the protection or conservation of the place; or contributes to the understanding of the place.

Assessment under section 40(4)(c)(i)

- If any of the land were developed, there is potential for the development to impact upon the school building and substantially reduce the State-level cultural heritage significance of the place.
- The land proposed for inclusion both is and has been used in conjunction with the Former Portland National School for over 165 years.
- The inclusion of additional land will ensure that all change is managed through an approvals process which is consistent across the entirety of this place and would provide certainty for all parties.

Assessment under section 40(4)(c)(ii)

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

Change of name

The current name of the place in the VHR is Former National School. It is proposed to change the name to 'Former Portland National School' to reflect the original name of the school and distinguish it from the Former National School in Fitzroy (H1031). Portland Primary School will be recorded as an alternative name, recognising that the building is on the grounds of the school.

Statutory requirements under section 40

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

The Executive Director recommends that the registration of the Former Portland National School in the VHR is amended.

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

Number: H1647

Category: Registered Place.

Name: Former Portland National School

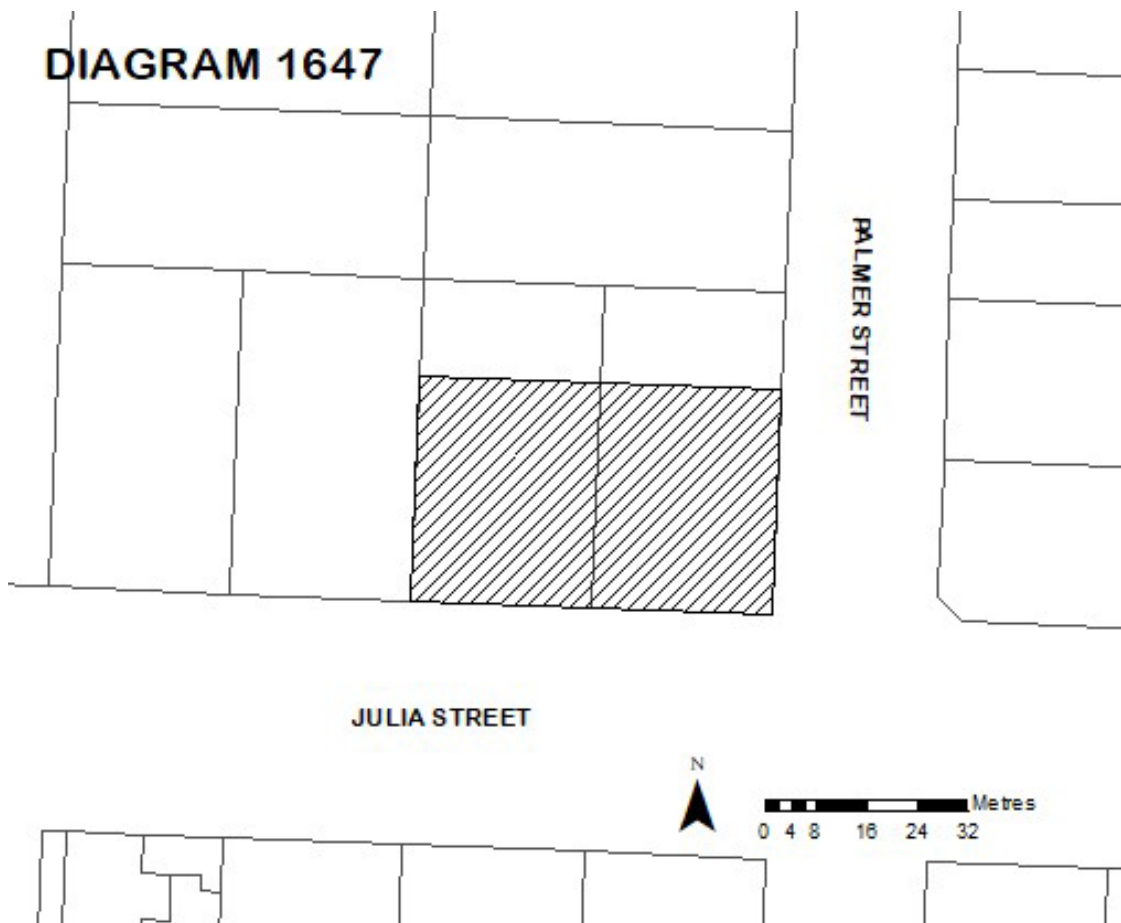
Location: 45 Palmer Street Portland

Municipality: Glenelg

Proposed extent of registration

The Executive Director recommends that the extent of registration for the Former Portland National School be gazetted as:

All of the place shown hatched on Diagram 1647 being that part of Allotments 1 & 20, Section 18B, Township of Portland extending from Julia Street to a point two metres beyond the northern most wall of the school building.



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 proposed extent provides sufficient land around the school building to protect the fabric of the place and its setting.

The extent aligns with the lot boundaries to the east (Palmer Street), south (Julia Street) and west (school grounds). To the north the extent is measured 2 metres from the northern wall of the school building. A measurement has been used in this instance as there is no lot boundary and it was considered practical to not include the adjacent school building, which is of local significance and protected by a Heritage Overlay, within the extent of registration.

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 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 Former Portland National School, designed by John Barrow and opened in 1856, located on the grounds of Portland Primary School.

Constructed of local bluestone, the National School addresses Julia Street and comprises a double-storey, five-roomed teachers' residence, abutted by a single-storey schoolhouse. The double-storey section comprises a central porch, first-floor window mouldings and a chimney set in the centre of the apex of the roof. Both the residence and schoolhouse feature roofs with gabled ends.

How is it significant?

The Former Portland National School 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 Portland National School is historically significant as one of only around 23 surviving examples of early National School buildings constructed in Victoria between 1851 and 1862. The Former Portland National School is one of the earliest surviving schools in Victoria and contributes to our understanding of the origins of government education in the State of Victoria in the era before the passage of the Education Act 1872 and the introduction of free, secular and compulsory education. [Criterion A]

The Former Portland National School is architecturally significant as a fine representative example of a National School building. Its unembellished external appearance and lack of architectural ornamentation was typical for National Schools, as economy in design and construction was an important consideration. The School is also of architectural significance as a fine example of a National School with accommodation attached for the teacher. The substantial two-storey residence demonstrates the important function and high regard shown to school-teaching at that time. [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 Former Portland National School 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 *Heritage Act 2017* must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) 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. 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

Statement of Significance

What is significant?

The former National School at Portland was built in 1855-56 to a design by local architect John Barrow. The National Board of Education functioned from 1851 to 1862, managing government-funded, non-denominational schools, of which 193 were built.

The Portland National School was opened in October 1856, with Mr and Mrs Dunbar appointed as resident teachers. Constructed of local bluestone, it comprises a commodious double-storey, five-roomed teachers' residence abutted by a single-story schoolhouse (that comprises the boys school room). The double-storey section comprises a central porch, first-floor window mouldings and a chimney set in the centre of the apex of the roof. Both sections have notable terminations to the gables. A second single-storey wing, intended as the girls school room, was planned for the other side of the two-storey section, but this was never completed. The finished design nevertheless represented a characteristic design of government schools at this time, notably with the incorporation of a teachers' residence, and the separation of boys' and girls' school rooms. The intended design was to follow a symmetrical plan with a central teachers' residence and a school room either side, which was a typical layout for early National Schools in Victoria.

The former Portland National School became a Common School in 1862 and a State School in 1873. A new school building was erected on the site, behind the original building, in 1879. The building continues to be used as the Portland Primary School.

How is it significant?

The former National School at Portland is of historical and architectural significance to the State of Victoria.

Why is it significant?

The former National School Portland is of architectural and historical significance as one of only around 23 surviving examples of early National School buildings constructed in Victoria between 1851 and 1862. It is of architectural significance as one of the earliest surviving examples of the work of local architect John Barrow. Its unfinished plan was typical of National Schools of that period. The former Portland National School is the oldest surviving government school building in Portland, an early settled town of Victoria, and hence one of the earliest surviving schools in Victoria.

The former National School Portland is of historical significance for its continuing function as a government school building since 1856, a period of nearly 150 years. Together with the broader complex of buildings on the site, the Portland National School building is important for its demonstration of the long and continuing role of education in the State.

It is also historically significant for its important contribution to our understanding of the origins of government education in the State. Its incorporation of a substantial two-storey residence is an example of unusually comfortable teachers' living quarters, which demonstrates the important function and high regard shown to school-teaching at that time.

[Online Data Upgrade Project 2004]

Published Extent of Registration

Amendment of Register of Government Buildings
Portland Town

Former National School, corner of Julia and Palmer Streets, Portland.
[Victoria Government Gazette No. G39 12 October 1988 p.3092]

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)

Appendix 1

Heritage Council determination (section 49)

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. The owner can also make a submission about proposed permit exemptions (Section 40(4)(d)).

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.

Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

(1)The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.

(2)The Heritage Council must conduct a hearing if—

- (a) a submission made to it under section 44 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, object or land that is the subject of the submission.

Determinations of the Heritage Council (section 49)

(1)After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—

- (a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or
- (ab) in the case of a place, determine that—
 - (i) part of the place is of State-level cultural heritage significance and is to be included in the Heritage Register; and
 - (ii) part of the place is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (ac) in the case of an object, determine that—
 - (i) part of the object is of State-level cultural heritage significance and is to be included in the Heritage Register; and
 - (ii) part of the object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (b) determine that 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 or part of the place is not to be included in the Heritage Register but—
 - (i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the **Planning and Environment Act 1987** to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; 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 part of the place; or
 - (ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it 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; or
 - (d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—
 - (i) the State-level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
 - (ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.
- (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, within 90 days after the completion of the hearing.
- (3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—
- (a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, 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, object or land; and
 - (b) must include a statement of the reasons for the making of the determination.
- (4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—
- (a) the land is ancillary to the place; and
 - (b) the person who owns the place, or part of the place—
 - (i) is the owner of the land; and
 - (ii) consents to its inclusion.
- (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 (section 42, 42A, 42B, 42C, 42D)

42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given

(1)The owner of a place, object or land 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, object or land at the time the statement is given; and
- (b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land 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, object or land 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.

42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits

(1)This section applies if—

- (a) an owner of any of the following is given a statement of recommendation—
 - (i) a place or object nominated under section 27;
 - (ii) an object nominated under section 27A;
 - (iii) land nominated under section 27B; and
- (b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—
 - (i) the making of an application for a planning permit or a building permit;
 - (ii) the making of an application for an amendment to a planning permit or a building permit;
 - (iii) the grant of a planning permit or building permit;
 - (iv) the grant of an amendment to a planning permit or building permit.

(2)The owner must advise the Executive Director in writing of—

- (a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or
- (b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities

(1)This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.

(2)The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.

(2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.

(2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

Owners of places and objects must comply with obligations (section 43)

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

Penalty: In the case of a natural person, 120 penalty units.
 In the case of a body corporate, 240 penalty units.