

Statement of Recommendation from the Executive Director, Heritage Victoria

Gulf Station, H0384

1029 Melba Highway, Yarra Glen, Yarra Ranges Shire

Wurundjeri Country



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Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Gulf Station, located at 1029 Melba Highway Yarra Glen 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 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 19(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.

Description

The following is a description of the Gulf Station at the time of the site inspection by Heritage Victoria in December 2023.

Gulf Station is an historic homestead and farm site, bordered by Melba Highway to the south, and rural land to the immediate north, east, and west. Further west is a higher density residential area, though this is virtually undetectable from the Gulf Station site, as the topography to the west obscures it from view preserving the distinctly bucolic heritage values of the site.

The site is entered from the south off Melba Highway. To the southern edge of the site is the garden, which houses a combination of historic and recent plantings and trees, including a large Strawberry tree (*Arbutus unedo*) and vegetable gardens. East of this is a moderately large dam.

The original homestead is located behind the garden. Older sections of the homestead were constructed from timbers sourced from the surrounding area. The homestead is a culmination of several generations of additions as the Bell family grew. Early sections of the house are of horizontal timber slab construction, matching the numerous outbuildings, while later additions to the house are modern timber framed constructions. The exterior is clad in weatherboard, with a wraparound verandah and corrugated iron roof. To the east of the homestead is the kitchen building, constructed from timber with a verandah, the posts of which are formed by felled indigenous gum and stringybark tree trunks.

North of the domestic buildings is a vertical timber slab stable with gabled roof and timber kennels. Further north of this, outbuildings include the pig sty, milking bails, and an additional stable that was used to house the horses used for heavy farm work. The floors of both stables are made up of upright rounds of wood, embedded in the ground creating a cobbled appearance.

Towards the northeast perimeter of the cluster of buildings is the former Schoolhouse building which is of vertical timber slab construction. To the northwest is the slaughterhouse and sheep dip, constructed primarily from local timbers.

Several of the buildings on site have corrugated iron roofs, though internal inspection of the ceilings reveals timber shingles that have been covered up externally. There is also extensive post and rail fencing separating areas across the site.

A row of trees follows the perimeter of the land parcel, demarcating the Gulf Station buildings from the parcel to the west. This parcel appears to be mostly vacant, aerial photos showing a couple of small sheds or outbuildings and some fencing of unknown dates.

Description images



2023. Homestead garden.



2023. View from paddock to the second parcel, looking northwest.



2023. View of homestead from across the dam. Different types of fencing visible.



2023. View from garden to the dam.



2023. Milking Shed.



2023. Sheep dip.



2023. Vertical timber slab house stables.



2023. Homestead.



2023. Shingle ceiling in the Shed.



2023. Verandah to kitchen block.

History

The first European settlers in the Yarra Glen area were the Ryrie brothers, who grazed cattle on the rich Yarra River flats. The open flood plain attracted other early pastoralists from Melbourne and during the early 1860s a township was established, known as Yarra Flats. In 1889 the town changed its name to Yarra Glen.

The origins of Gulf Station are not clear. John Dickson may have occupied the site of the station as early as 1844. It is possible that part of the existing kitchen wing may be an 1840s structure originally erected as a combined hut and animal shelter.

In 1855, Dickson sold a covenant for the Gulf Station pre-emptive right to William Bell and his son-in-law Thomas Armstrong. The Bells and Armstrongs were both Scottish migrant families. William Bell and Thomas Armstrong bought the freehold for Gulf Station in October 1858. However, it seems that it was Bell's son, William Bell Jr, who mainly occupied the station. Around this time the homestead was built, beginning as a small rectangular cottage.

In 1860 William Bell Jr married Mary Ann Little. The couple had eight children, four sons and four daughters. As the Bell family grew the small cottage at Gulf Station developed into a large family home, with a variety of farm buildings. Both William Bell Jr and Mary Ann's parents also lived at Gulf Station at various times.

Many of the farm buildings, like the earliest stage of the house, are of vertical timber slab construction suggesting an 1850s origin. The slaughterhouse and a portion of a stable building and a kennels/pigsty building are of horizontal slab construction, while the remaining buildings and additions to the house and other buildings are constructed in relatively modern stud construction. Some ten buildings are built in timber slab construction with peeled logs of indigenous gum and stringybark cut and adzed locally used as structural members. Roofs of many of the buildings are of split shingles but are now covered with corrugated iron.

In 1870 William Bell Snr died at Gulf Station, leaving it in the ownership of his son. When William Bell Jr died in 1877, his widow Mary Ann continued to run the station. Eventually, she was helped by her children, most of whom remained at Gulf Station for the rest of their lives.

The station stayed in Bell family hands until the 1951 death of Dinah Bell, last living child of William and Mary Ann. The property was then sold to soldier settler Jack Smedley. In 1976 the State Government purchased the remnants of the property and appointed the National Trust as the Committee of Management.

The remaining structures on site include:

- Homestead
- Kitchen wing and associated rooms, which possibly predate the homestead
- Stables
- Barn and associated milking area
- Kennels, calf shed and pigsty
- Butcher's shop, dairy and associated structures
- Slaughterhouse and sheep dip
- Shearing shed
- Schoolhouse
- Attached and detached fences.

Gulf Station retains remnants of the orchard, as well as flower and vegetable gardens. Several rare and mature Yarra gums also survive on the property along with some original post and rail fencing.

In 2010 an 1870s prefabricated house was relocated from Croydon to Gulf Station. According to oral sources, the house was originally moved from New South Wales, where it was said to have been a former detention centre or a teacher's residence. It is a unique form of prefabricated construction not known elsewhere in Victoria. It was previously located on the Maroondah Highway, Croydon and is registered separately in the VHR (H2024).

Historical images



ca.1909. view of Gulf Station on a postcard. Source: SLV.



1850s. A portion of the Parish of Burgoyne plan. Shows the pre-emptive right purchased by Bell & Armstrong (12). Bell and Armstrong also had extensive land holdings in the vicinity. Source: PROV.

Selected bibliography

Meredith Gould Architects P/L. *Gulf Station, Yarra Glen Conservation Policy and Plan*. 1998

S Balderstone, D McIntosh, F O'Neill. *Gulf Station Homestead, Yarra Glen: Conservation Analysis*. 1993

D V Bick. *Conservation Analysis Report on Gulf Station*. 1980

Australian Heritage Commission. *Register of the National Estate*

Further information

Traditional Owner Information

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

Victorian Aboriginal Heritage Register

The place is not in an area of Aboriginal cultural heritage sensitivity.

Integrity

The integrity of the place is very good. The cultural heritage values of the Gulf Station can be easily read in the extant fabric.

Gulf Station is a highly coherent complex of historical farm buildings, and the preservation of the pastoral setting contributes to an understanding of domestic life and the self-sufficiency of the farm.

(December 2023)

Intactness

The intactness of the place is very good.

The buildings appear to have not been significantly altered from their initial purposes.

(December 2023)

Condition

The condition of Gulf Station is good.

Some evidence of corrosion to corrugated iron roofs, though this material is likely non-original and was introduced to cover up split shingle roofs.

(December 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.

Amendment recommendation

State-level cultural heritage significance of the place

The State-level cultural heritage significance of the Gulf Station was recognised in 1976 by its inclusion in the Register of Historic Buildings.

Amendment application

On 4 March 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) 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 40(4)(c)(i)

- The additional land is of cultural heritage significance. It contains farmland, flower and vegetable gardens and an orchard that are part of the place's significance.
- The land proposed for inclusion is and has been used in conjunction with the place. The land proposed for inclusion has been used in conjunction with the place, dating back to the 1850s.
- There has been a long tradition of use at Gulf Station for farming, for flower and vegetable gardens, and for orcharding. Unregulated development of the land has the potential to substantially lessen the cultural heritage significance of the place.
- If any of the land were developed, there is also the potential for the location, form, design and materials of any new buildings to impact upon the modest timber slab buildings and their representation of Victoria's earliest farming heritage, substantially reducing 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 40(4)(c)(ii)

- The current extent of registration, which is limited to the buildings and their footprints, is insufficient to protect, conserve and allow for a proper understanding of the place. An integral part of Gulf Station's significance is the relationship between the timber slab buildings and the surrounding remnant farmland.
- Without permit control, the timber slab farm buildings and bucolic setting could potentially be overshadowed or otherwise impacted by new buildings which, depending upon their siting, height, form, scale and materials, can affect the setting or context of the place and its history.
- Including an area of land around the buildings will enable new buildings and works in close proximity to the historic buildings to be managed under a permit process.
- Inclusion of an area around the building provides an historically relevant setting for the place.

Statutory requirements under section 40

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

The Executive Director recommends that the registration of Gulf Station in the VHR is amended.

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

Number: H0384

Category: Registered Place.

Name: Gulf Station

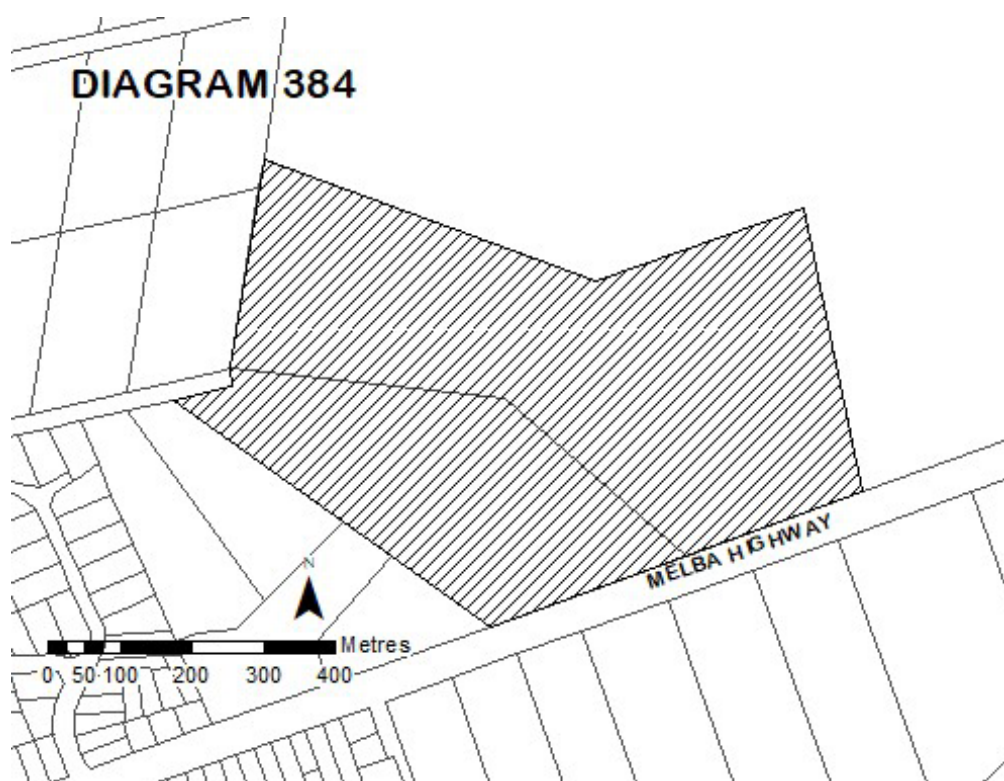
Location: 1029 Melba Highway Yarra Glen

Municipality: Yarra Ranges Shire

Proposed extent of registration

The Executive Director recommends that the extent of registration for Gulf Station be gazetted as:

All of the place shown hatched on Diagram 384 encompassing all of Allotment 12A/PP2292 Parish of Burgoyne and Lot 5 on Plan of Subdivision 420529.



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 both the parcel that the Gulf Station Complex buildings are located on and the parcel to the west. The topography of the western parcel is such that it conceals the higher density residential area to the west of Gulf Station, effectively preserving the pastoral setting of the station complex. The land of Gulf Station has historically been used in conjunction with the place for pastoral activities, albeit representing a smaller part of the much larger holdings of William Bell and son in law Thomas Armstrong.

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 landscape features, trees and gardens, historic and recent plantings, 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))

The Executive Director recommends that the Gulf Station be included in the VHR in the category of Registered Place.

Statement of significance

What is significant?

Gulf Station, a farm complex that grew according to need between the 1850s and World War 1. The complex consists of numerous vernacular timber structures including the homestead, kitchen, schoolhouse, house stable, whelping kennels, working horse stable, pig sty, milking bails, slaughterhouse and sheep dip, shearing shed, and butcher shop set within a garden and farmland setting.

How is it significant?

Gulf Station 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?

Gulf Station is historically significant as one of the best remaining complete sets of solid timber slab farm buildings, which are representative of Victoria's earliest farming heritage. As an exposition of early pastoral life, its coherence as a complex is remarkably intact, comprising the total needs of a functioning farm in the second half of the nineteenth century. The significance of the site is enhanced by the survival of remnants of the orchard, flower and vegetable gardens, which enables an understanding of domestic life and the self-sufficiency of the farm. The original post and rail fencing dates to the 1850s and is one of the best surviving examples from this period. [Criterion A]

Gulf Station is architecturally significant as one of the most complete surviving 19th century station complexes demonstrating vernacular timber construction techniques in Victoria. The Gulf Station homestead demonstrates the change in vernacular building techniques over the nearly one-hundred-year period while in the occupation of the Bell family. The structures range from those of vertical timber slab construction with shingle roof of the 1850s, through extensions in stud frame with split weatherboards, galvanised corrugated iron and the fret cut verandah brackets of the Edwardian homestead wing. The homestead is significant for demonstrating the change over a century in interior finishing techniques of a relatively unpretentious dwelling. [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 1998 'Gulf Station, Yarra Glen Conservation Policy and Plan', prepared by Meredith Gould Architects Pty. Ltd provides some useful guidance for managing change at the place. It is recommended that this Conservation Policy is updated or renewed to assist in managing 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 Gulf Station 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. The continuation of existing agricultural practices including management of livestock, grazing, cultivation, and other processes necessary for usual agricultural operation.

Existing registration details

Existing extent of registration

No. 303A Gulf Station (total complex) Yea Road, Yarra Glen

[*Victoria Government Gazette* No.47 May 12, 1976 p1344]

Existing statement of significance

What is significant?

The Yarra Glen area originally, known as Yarra Flats, was first settled in 1837 by the Ryrie brothers, overlanders from New South Wales who grazed cattle on the rich Yarra River flats. The Ryrie brothers also planted grapes in 1838, beginning an industry that brought fame to the Yarra Valley in the latter part of the century. The open flood plain also attracted early pastoralists from Melbourne who settled in the district and beyond towards Healesville. During the early 1860s, the beginnings of a township was established by traders who set up to cater for local settlers, timber cutters and the many gold prospectors then on their way to the Woods Point goldfields. Rail access increased the town's profile in the Yarra Valley and in 1889 the name of Yarra Glen was adopted for the town. The decline of the Yarra Valley wine industry in the 1890s resulted in the local diversification into dairying and orcharding, and into the production of sheep and beef cattle in the Yarra Glen area. In recent times the return of viticulture to Yarra Glen has revitalized the wine and food industries and revived the popularity of the area as a tourist destination.

While the origins of European occupation of Gulf Station are not clear, John Dickson possibly occupied the site of the station from about 1844. He erected a dwelling elsewhere on the Gulf Station property and there is no evidence to indicate that the present homestead is of 1840s origins. There is a possibility however, that part of the existing kitchen wing may be an 1840s structure originally erected as a combined hut and animal shelter. In 1855, Dickson sold a covenant for the Gulf Station pre-emptive right to William Bell and Thomas Armstrong and Bell and Armstrong bought the freehold in October 1858. Armstrong, however, is believed to have formed a new station at Yarra Flats by 1856, leaving William Bell's son William in occupation of the Gulf Station property. William Bell Jnr ran the property until his death in 1877 when his widow Mary Ann Bell assumed control. Gulf Station stayed in Bell family hands until the death of Dinah Bell in 1951 after which the property was sold to soldier settler Jack Smedley. Recognizing the unique value of the station, the State Government purchased the remnants of the property, totalling sixteen hectares in 1976, and appointed the National Trust as the Committee of Management. Gulf Station is now a tourist destination visited by groups who are interested in experiencing what farm life was like during nineteenth century.

The existing house began as a small rectangular cottage in about 1854, but with successive additions throughout the latter part of the nineteenth century and early twentieth century as the Bell family grew, the building eventually developed into a large family home. Many of the farm buildings, like the earliest stage of the house, are of vertical timber slab construction suggesting an 1850s origin. The slaughterhouse and a portion of a stable building and a kennels/pig sty building are of horizontal slab construction while the remaining buildings and additions to the house and other buildings are constructed in relatively modern stud construction. Some ten buildings are built in timber slab construction with peeled logs of indigenous gum and stringybark cut and adzed locally used as structural members. Roofs of many of the buildings are of split shingles, but are now covered with corrugated iron.

Gulf Station retains remnants of the orchard, the kitchen, flower and vegetable gardens. Several rare and mature Yarra Gums also survive on the property along with some original post and rail fencing.

How is it significant?

Gulf Station is of architectural and historical significance to the State of Victoria.

Why is it significant?

Gulf Station is of architectural significance as one of the most complete surviving complex of farm buildings of vernacular timber construction in Victoria dating from the mid nineteenth century. The homestead demonstrates the change in vernacular building techniques over a one hundred year period while in the occupation of one family. The structures

range from those of vertical timber slab with shingle roof of the 1850s, through extensions in stud frame with split weatherboards, galvanized corrugated iron and the fret cut verandah brackets of its Edwardian wing. The homestead is also significant for demonstrating the change over a century in interior finishing techniques of a relatively unpretentious dwelling.

Gulf Station is of historical significance through its association with the early Scottish farming settlement of the district and as an exposition of early pastoral life. The significance of the site is enhanced by the survival of remnants of the orchard, the kitchen, flower and vegetable gardens, and some original post and rail fencing.

Existing permit policy and permit exemptions

Nil.

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.