

# Statement of Recommendation from the Executive Director, Heritage Victoria

Little Bendigo Primary School, H1632  
8 Monte Street Nerrina, Ballarat City  
Wadawurrung Country



Image source: [littlebendigops.vic.edu.au/](http://littlebendigops.vic.edu.au/)

## Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that Little Bendigo Primary School, located at 8 Monte Street, Nerrina 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); and
- amend the reasons why the place is included in the VHR based on the Heritage Council criteria (section 49(3)(b) 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

Little Bendigo Primary School (also known as Primary School No. 2093) is in the Ballarat suburb of Nerrina but retains the original name of the town - Little Bendigo. The town was important both for its gold mining and for its water works used to supply and deliver water for gold sluicing.

The school's first location was in a wooden hall attached to the St James Church of England, south of the current school site, which the Department of Education rented for £20 per annum. However, school enrolments increased dramatically through the 1870s due to the *Education Act 1872* which made schooling compulsory and free. In response, the Department purchased land north of the church for a new one-room schoolhouse.

The schoolhouse was built to a design by the Education Department architect H.R. Bastow. The design was first used at Caulfield Primary School in 1877 and then applied at a number of schools including Glen Waverley (1880), Ascot (1882), Sandringham (1885) and Carlsruhe (1892). Mr Llewellyn and Mr Edwards of Ballarat East were engaged to build the schoolhouse at Little Bendigo and it opened on 9 September 1878, and catered for 138 pupils and four teachers. Whilst the example at Caulfield Primary School survives it has been extensively renovated and extended. The example in Little Bendigo, at Nerrina, built a year later, is more intact.

Little Bendigo Primary School is a picturesque brick building in a Victorian rustic Gothic style, built on foundations of bluestone said to be from the Geelong area. Its relatively large size and sophisticated form reflects the size and the wealth of the community in the years after the discovery of gold in 1851. The school has only one room, forty by twenty feet (about thirteen by six metres). It has a rectangular plan with a small entrance porch at one end. The roof is a half-hipped gable, a form which is repeated on the smaller transverse gable projecting on the west, and on the porch. The roof is clad in Welsh slate and features iron finials on all the ridge ends. The windows are narrow Gothic double hung sashes, and there are three high smaller rectangular windows under the end gables. The interior has a timber lined ceiling, and the timber roof frames are prominent. The original gallery has been removed.

As the population increased the new school building could not accommodate all enrolments and both the old premises at St James and the Methodist hall had to be leased to hold all the classes. However, soon the gold dwindled, and the population began to fall. In 1916 and 1948 the school was nearly closed due to lack of enrolments. In 1968 the student population hit an all-time low of only seven. Despite these tough times, community support ensured that Little Bendigo Primary School survived and continues to serve the local community.



## Current images



*Little Bendigo Primary School 2024. Northern elevation.*



*Little Bendigo Primary School 2024. Western elevation.*



*Little Bendigo Primary School 2024. Southern elevation.*



*Little Bendigo Primary School 2024. Eastern elevation.*

## Historical images



*Little Bendigo Primary School, circa 1999. View from the north west. Source unknown.*



*Little Bendigo Primary School, circa 1999. View from the north.. Source unknown.*



*Little Bendigo Primary School, 2010. This picture was taken during restoration works, when non-original paint (seen in the top section of the building) was removed to restore the original red brick. Photographer: John Young. Source: Victorian Places ([victorianplaces.com.au](http://victorianplaces.com.au))*



*Ascot State School No 2507, possibly in the early 1900s. At least four schools, including Ascot, were based on the design of Little Bendigo Primary School and its predecessor, Caulfield Primary School. Photographer: unknown. Source: Victorian Collections (Federation University Historical Collection), 20026.*



## 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.

## Further information

### Traditional Owner Information

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

### Victorian Aboriginal Heritage Register

The place is in an area of Aboriginal cultural heritage sensitivity.

### Integrity

The integrity of the place is very good. The cultural heritage values of Little Bendigo Primary School can be easily read in the extant fabric.

### Intactness

The intactness of the place is very good.

### Condition

The condition of the place is very good.

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place or object may be in very poor condition and still be of very high cultural heritage significance. Alternatively, a place or object may be in excellent condition but be of low cultural heritage significance.



## Amendment recommendation

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

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

### Amendment application

On 29 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 1878 single-room schoolhouse building and substantially reduce the State-level cultural heritage significance of the place.
- If a large-scale new building was constructed in close proximity to the place, it would have the potential to greatly diminish the setting and context of the 1878 single-room schoolhouse building and therefore reduce its State-level architectural values.
- 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 1878 schoolhouse building, and is insufficient to protect, conserve and allow for a proper understanding of the place.
- Including an area of land around the 1878 schoolhouse 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 1878 building will also enable works and activities that could potentially impact on the conservation of the building, such as drainage and paving, to be managed under an approvals process.

### Change of name

The current name of the place in the VHR is Primary School No. 2093. It is proposed to change the name to 'Little Bendigo Primary School' to reflect current name of the school, and current conventions for listing Primary Schools in the VHR. Primary School No. 2093 will be recorded as an alternative name.

## Statutory requirements under section 40

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

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

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

**Number:** H1632

**Category:** Registered Place.

**Name:** Little Bendigo Primary School

**Location:** 8 Monte Street Nerrina

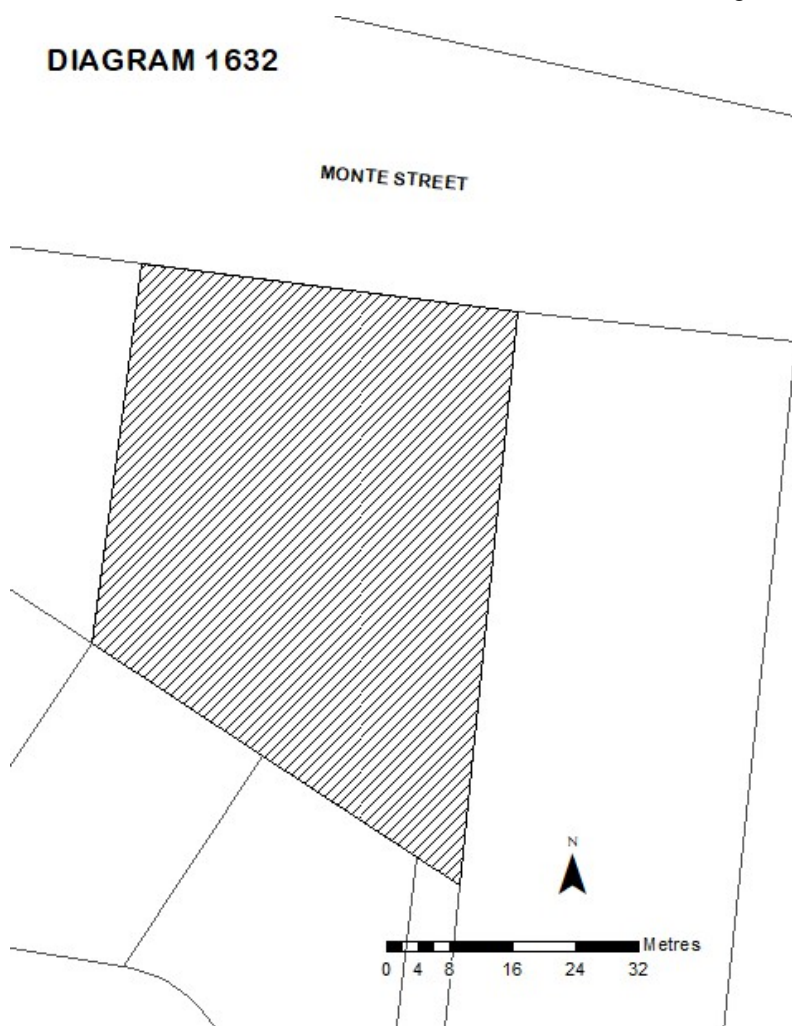
**Municipality:** Ballarat City

### Proposed extent of registration

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

All of the place shown hatched on Diagram 1632 encompassing that part of Crown Allotment 30 Section AA Township of Nerrina extending 20 metres from the western most wall of the 1878 schoolhouse building.

**DIAGRAM 1632**



## 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 building and its setting.

The northern and western facades of the building are notable aspects of the architectural composition and, due to the fall of the land away from the building to the northwest, are most prominent.

The extent aligns with the lot boundaries to the north (Monte Street), east (school grounds) and south (private property). To the west the extent is measured 20 metres from the western wall of the 1878 schoolhouse building.

A measurement has been used in this instance to define an extent that protects the setting of the building and views to it, without including surplus land.

The recommended extent of the registration varies from the nominated extent of registration. The nomination suggested that a larger area of land to the west be included. After further assessment, this land was not deemed important to the conservation, protection or understanding of the place.

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 exempt works or activities in this recommendation or general exemptions that apply to all registered places and objects.

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

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

## Statement of significance

### What is significant?

Little Bendigo Primary School (Nerrina) is a picturesque brick building in a Victorian rustic Gothic style, built on foundations of bluestone, and opened in 1878 to a design by the Education Department architect H.R. Bastow. The school has a rectangular plan of one room of approximately thirteen by six metres. It has a small entrance porch facing Monte Street and a half-hipped Welsh slate gable roof with iron finials. This half hip roof form is repeated on the smaller transverse gable, and on the porch. The windows are narrow Gothic double hung sashes. The interior has a timber lined ceiling and prominent timber roof frames.

### How is it significant?

Little Bendigo Primary School is of 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?

Little Bendigo Primary School is historically significant for its representation of the prosperous early days of the town of Little Bendigo (later renamed Nerrina). Its relatively large size and sophisticated form reflects the size and the wealth of the community in the years after the discovery of gold in 1851.

Little Bendigo Primary School is architecturally significant as a surviving intact example of a small country schoolhouse, consisting of only one large room with an entry porch. It is an unusual but fine example of a picturesque Gothic school with a half-hipped gable roof, still covered with its original slates, and with decorative iron finials on the ridge ends.  
[Criterion D]



## Recommended permit exemptions under section 38

### Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

### Permit Policy

It is recommended that a Conservation Management Plan is utilised to manage the place/object type in a manner which respects its cultural heritage significance.

### Permit Exemptions

#### General Exemptions

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

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#)

#### Specific Exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Place or object name subject to the following guidelines and conditions:

##### Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn

at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.

7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the *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. All buildings constructed or moved to the site post 1900
  - (a) All internal works.
  - (b) Removal or demolition.
2. Landscape/ outdoor areas
  - (a) Replacement of playground equipment and outdoor furniture in the same location.
  - (b) Pruning of all trees to ensure safety.
  - (c) Removal, replacement and installation of new ground surfacing treatments (for example, asphalt, safety matting) provided it is not within five metres of the significant building.

## Existing registration details

### Statement of Significance

#### What is significant?

Gold was discovered at Nerrina, originally called Little Bendigo, in 1851. The town was later renamed, due to confusion with Bendigo, but the school retained the original name of the town. The town was important both for its gold mining and for its water works, used to supply and deliver water for gold sluicing. The first school in the town was held in a wooden hall attached to St James Church of England, which the Department of Education rented for £20 per annum. In 1878, due to the increasing number of children of school age, the Department purchased land with a five roomed house on it, and built a new school, which was then in a bush setting. The Little Bendigo State School Number 2093 at Nerrina opened in 1878 with 138 pupils and four teachers. After one year there were 153 pupils and six staff. As the population increased, the school became too small, and both the Methodist and St James Halls had to be leased to hold all the classes. Nerrina is now a suburb of Ballarat.

Primary School Number 2093 is a picturesque (rendered?) brick building in a Victorian rustic Gothic style, built on foundations of bluestone said to be from the Geelong area. The school has only one room, forty by twenty feet [about thirteen by six metres]; it has a rectangular plan with a small entrance porch at one end. The roof is a half hipped gable, a form which is repeated on the smaller transverse gables projecting on each side, and on the porch, and there are iron finials on all the ridge ends. The roof has skylights, and still has its original Welsh slates. The windows are narrow Gothic double hung sashes, with a group of three, with a taller central one, under the side gables, and three high smaller rectangular windows under the end gables. The interior has a timber lined ceiling and the timber roof frames are prominent. The original gallery has been removed.

#### How is it significant?

The Primary School at Nerrina is of architectural and historical significance to the State of Victoria.

#### Why is it significant?

The Primary School at Nerrina is of architectural significance as a surviving intact example of a small country school house, consisting of only one large room with an entry porch. It is an unusual example of a picturesque Gothic school with a half hipped gable roof, still covered with its original slates, and with decorative iron finials on the ridge ends. Primary School Number 2093 at Nerrina is of historical significance as a reflection of the prosperous early days of the town of Little Bendigo (later renamed Nerrina). Its relatively large size and sophisticated form reflects the size and the wealth of the community in the years after the discovery of gold in 1851.

[Online Data Upgrade Project 2004]

### Extent of Registration

Amendment of Register of Government Buildings

Bungaree Shire

Primary School No. 2093, Monte Street, Nerrina (Little Bendigo).

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

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

## 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.