

Statement of Recommendation from the Executive Director, Heritage Victoria

Former Eaglehawk East Methodist Church, H1458
88-94 High Street Eaglehawk, Greater Bendigo City
Dja Dja Wurrung Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that the Former Eaglehawk East Methodist Church, located at 88-94 High Street Eaglehawk, Greater Bendigo City 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
- the reasons why the place is included in the VHR are amended based on the Heritage Council criteria; 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 (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: 13 May 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 Former Eaglehawk East Methodist Church.

The Former Eaglehawk East Methodist Church is located on the traditional land of the Dja Dja Wurrung People.

The former Eaglehawk East Methodist Church addresses High Street to the north, this façade comprising a simple classical style portico with four Roman Doric columns spaced around the opening, and two engaged pilasters on the outer corners.

The eastern and western elevations are simple, with faced brick that has been painted to match the non-original cream colouring of the primary façade, and five tall, narrow five-paned windows. Towards the rear of the eastern elevation of the hall is a modern addition with an accessibility ramp with lightweight shelter above.

The southern end of the hall houses functional requirements including a shed and water tank.

Internally, the church is a single volume space. Along the walls are simple pilasters organised between windows. The interior has a flat timber ceiling and a deep cornice. The ceiling is arranged into panels with the ventilators picked out as features. Parts of the ceiling have been lined with pressed metal. The floor is slightly raked, and the walls have timber wainscoting below the dado. At the southern end is a foyer space to the back of the church, which facilitates accessible entry from the covered verandah.

Description images



February 2023. Eaglehawk East Uniting Church – Former. Source: Australia's Christian Heritage, churchesaustralia.org.



February 2023. Eaglehawk East Uniting Church – Former. Source: Australia's Christian Heritage, churchesaustralia.org



February 2023. Former Eagle Hawk East Uniting Church. Sign on back wall. Source: Australia's Christian Heritage, churchesaustralia.org.

History

Eaglehawk is a hilly district, eight kilometres beyond central Bendigo, with many quartz lodes. Gold was discovered at Bendigo (Sandhurst) in October 1851, and the gold-bearing land extended several kilometres north-west of Bendigo beyond Eaglehawk. The Eaglehawk goldrush began in 1852 when Joseph Crook found a nugget while searching for stray horses. The community at Eaglehawk began to develop when in 1854 town lots were surveyed and sold along High Street. On 29 July 1862 the Borough of Eaglehawk formed and in 1865 a Town Hall opened. By 1871 the population of Eaglehawk was 6,590.

Primitive Methodism was a division of Methodism that promoted a return to Joseph Wesley's style of evangelism. In England, the largest populations were in the midlands and the north, but especially among miners. Primitive Methodist immigrants had arrived in Victoria in 1849 and began holding open air services on Flagstaff Hill, Melbourne. The Primitive Methodists were more prosperous in Victoria and Tasmania, growing to be the second largest group of Methodists in Victoria in the later nineteenth century.

Eaglehawk was at this time a place of industry and the resulting population growth stimulated the building of new churches, pubs, and homes. From the beginning of the Eaglehawk township, Methodism, both Primitive and Wesleyan, was practiced. As early as 1855 Primitive Methodism was practiced in a small slab church, from which the Eaglehawk East Methodist congregation grew. The large number of immigrant miners and the characterisation of Primitive Methodism as a 'lay movement' wherein the laity took it upon themselves to establish churches, Sunday schools and day schools probably accounts for the large number of Methodist chapels in the Bendigo area.

The former Eaglehawk East Methodist Church was built to a design by Melbourne-based architect George Reilly Cox in 1865 as the congregation had outgrown the old slab building. Methodism had no great architectural tradition when it was introduced in Australia, and John Wesley had instructed that 'preaching houses' were to be plain and unpretentious. This accounts for the simple nature of the Eaglehawk East Methodist Church, originally constructed as a Primitive Methodist chapel. The funds for the construction of the church were raised by the congregation themselves. The contractor was an N Williamson of Green Gully, and the cost was estimated at £1,100.

In 1873, Eaglehawk Primary was recognised as State School No.210, and 'new' buildings (alterations and additions to the old) were constructed. The design of the building was much criticised, so in 1881, the Methodist Church was leased to the Education Department until a new school was erected.

The East (formerly Primitive) Methodist Church and the West (formerly Wesleyan) Methodist Church remained virtually independent factions until 1977 when the Uniting Church was formed, and the two congregations were combined. In 1980, the East Methodist church was acquired by the Education Department for its present use and the sign on the back wall 'I am the Way, the Truth, and the Life' was retained. The toilets and kitchenette were added to the church annexe in 1988. More recent upgrades have also included the provision of a ramp for accessibility purposes near the southern end of the building.

Selected bibliography

Ashgate Methodist Studies. *Methodism in Australia: A History*. Edited by Glen O'Brien and Hilary M. Carey. New York: Routledge, 2016.

National Trust of Australia (Victoria). *Victorian Churches*. Edited by Miles Lewis. Melbourne: National Trust of Australia (Victoria), 1991.

The Salvation Army. "History." The Salvation Army, Eaglehawk. Accessed 2 May 2-24.
<https://www.salvationarmy.org.au/eaglehawk/about-us/history/>.

Wallace, Ray, and Kevin Vallence. *Eaglehawk: Sketch book of a golden past*. Bendigo: Cambridge Press, 1983.

Further information

Traditional Owner Information

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

Victorian Aboriginal Heritage Register

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

Integrity

The integrity of the place is good. The cultural heritage values of the Former Eaglehawk East Methodist Church can be easily read in the extant fabric.

Intactness

The intactness of the place is excellent. The simple classical façade is unaltered.

Condition

The condition of Former Eaglehawk East Methodist Church is very good. The building is currently part of the Eaglehawk Primary School and is used as a hall. It is being well maintained.

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 Eaglehawk East Methodist Church was recognised when it was included in the Register of Government Buildings in 1984. Its State-level cultural heritage significance was confirmed in 1998.

Amendment application

On 24 April 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 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 and summary under section 40(4)(c)(i)

- The land proposed for inclusion is and has been used in conjunction with the former Eaglehawk East Methodist Church. The land proposed for inclusion has been used in conjunction with the place for over 150 years.
- If any of the land were developed, there is potential for the development to impact upon the setting of the simple temple form and substantially reduce the State-level cultural heritage significance of the place.
- Including additional land will ensure that all works are managed through an approvals process consistent across the entirety of this place and would provide certainty for all parties.

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

- The current extent is limited to the footprint of the building and is insufficient to protect, conserve and allow for a proper understanding of the place.
- Without an approval process, the simple Tuscan order, hexastyle temple and the stripped classical elements could potentially be obstructed or diminished by new buildings which, depending upon their siting, height, form, scale and materials, could affect the setting or context of the place.
- Inclusion of an area of land around the building will enable works or activities that could potentially impact the conservation of the building, such as drainage, landscaping and paving, to be managed under an approval process.
- Inclusion of an area around the building provides a setting for the place.

Amending the Heritage Council Criteria

The current statement of significance is extremely limited and does not specify the criteria under which the former Eaglehawk East Methodist Church was registered. It is proposed to register the former Eaglehawk East Methodist Church under Criterion D, as its architecture is a notable example of classical temple design, appropriate to the non-conformist views of the Primitive Methodist Church.

Statutory requirements under section 40

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

The Executive Director recommends that the registration of Former Eaglehawk East Methodist Church in the VHR is amended.

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

Number: H1458

Category: Registered Place.

Name: Former Eaglehawk East Methodist Church

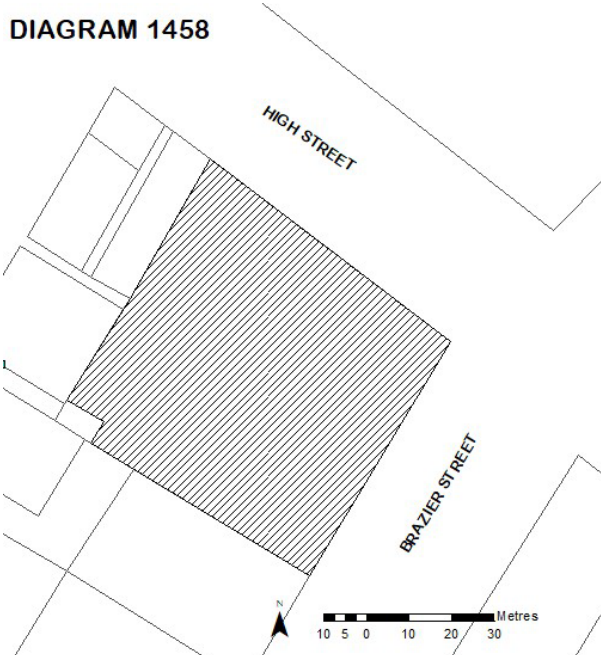
Location: 88-94 High Street Eaglehawk

Municipality: Greater Bendigo City

Proposed extent of registration

The Executive Director recommends that the extent of registration for Former Eaglehawk East Methodist Church be gazetted as:

All of the place show hatched on Diagram 1458 encompassing all of Lot 1 of Title Plan 132016K.



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 the former Primitive Methodist Church and the entire parcel that the church is situated on.

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 land, all soft and hard landscape features, trees, and the church building including the exterior, interior, fixtures and additions, 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))

Statement of significance

What is significant?

The Former Eaglehawk East Primitive Methodist Church was constructed in 1865 to a design by George Reilly Cox. The building is constructed of brick on a bluestone plinth and is designed as a hall with a simple Classical Temple rendered portico and gabled corrugated iron roof concealed behind parapets.

How is it significant?

The Former Eaglehawk East Methodist Church is of architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion D

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

Why is it significant?

The Former Eaglehawk East Methodist Church is architecturally significant as one of the few surviving designs of architect George Reilly Cox. The application of a stripped back classical temple façade as opposed to the dominant ecclesiastical Gothic mode of the time was appropriate to the non-conformist views of the Primitive Methodist Church. The façade evokes the traditional portico or temple front with the use of four engaged columns of the Roman Doric order, in hexastyle form. The columns are unevenly spaced *in antis* between two outer pilasters that articulate the corners of the building. As a substantial Primitive Methodist Church of 1865, the association with the Classical tradition reflects the strength of the non-conformist religious view in the central goldfields region of Victoria in the nineteenth century. [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 in a manner which respects its cultural heritage significance.

Permit Exemptions

General Exemptions

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Heritage Act 2017.

Places of worship: In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must notify the Executive Director of Heritage Victoria before you start the works or activities at least 20 business days before the works or activities are to commence.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the Planning and Environment Act 1987 and the application for the planning permit was referred to the Executive Director of Heritage Victoria as a determining referral authority, a permit is not required.

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 Eaglehawk East Methodist Church 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:
 - i) Installation, repair and replacement of shade sail fabric and supporting structures in the same locations.
 - ii) Replacement of playground equipment and outdoor furniture in the same general location.
 - iv) Removal, replacement or pruning of all trees and shrubs.
 - v) 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.
 - vi) Removal of the outdoor garden shed at rear of building.
2. Removal, maintenance, repair or replacement of property boundary fencing, gates and posts, in the same location, retaining a similar level of visual permeability and no higher than the existing.
3. Removal, maintenance, repair or regrading of the external accessibility ramp in the same location.

Existing registration details

Existing extent of registration

Amendment of Register of Government Buildings

Eaglehawk Borough

Former Primitive Methodist Church, High Street, Eaglehawk East.

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

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

Existing statement of significance

The Former Eaglehawk East Primitive Methodist Church was constructed in 1865 to a design by architect George Reilly Cox. The contractor was N Williamson of Green Gully and the cost was estimated at £1,100.

The building is constructed of brick on a bluestone plinth and is designed as a hall with a rendered portico and gabled corrugated iron roof contained within parapets. The portico is based on the Roman Doric order in hexastyle form with four engaged columns unequally spaced in antis between two outer pilasters. The central doorway is approached by a flight of steps and has a bracketed lable mould over. The doors have been replaced.

The interior has a flat timber ceiling and a deep cornice. The ceiling is arranged into panels with the ventilators picked out as features. Parts of the ceiling have been lined with pressed metal. The floor is slightly raked and the walls have timber wainscoting below the dado.

The building is significant as one of a few surviving works by GR Cox and for its naive temple design appropriate to the non-conformist views of the Primitive Methodist Church.

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.