

Statement of Recommendation from the Executive Director, Heritage Victoria

Lake View, VHR H0280

18-22 Victoria Street and 13 Wills Street, Chiltern, Indigo Shire
Yorta Yorta Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (**Heritage Council**) that Lake View, located at 18-22 Victoria Street and 13 Wills Street, Chiltern in the Victorian Heritage Register (**VHR**) be amended. The category of registration is recommended to be Registered Place.

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 proposed categories of works or activities which may be carried out in relation to the place for which a permit is under the Act not required, will not harm the cultural heritage significance of the place under section 49(3)(a) of the Act.



STEVEN AVERY

Executive Director, Heritage Victoria

Date of recommendation: 9 September 2026

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, object or land in the VHR or amend a place, object or land 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 conduct a hearing in relation to the submission. The Heritage Council must conduct a hearing if a submission requests a hearing, and that submission is made by person or body with a real or substantial interest in the place, object or land.

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, objects and land (sections 42, 42A, 42B, 42C, 42D and 43)

The owner of a place, object or land 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, object or land.

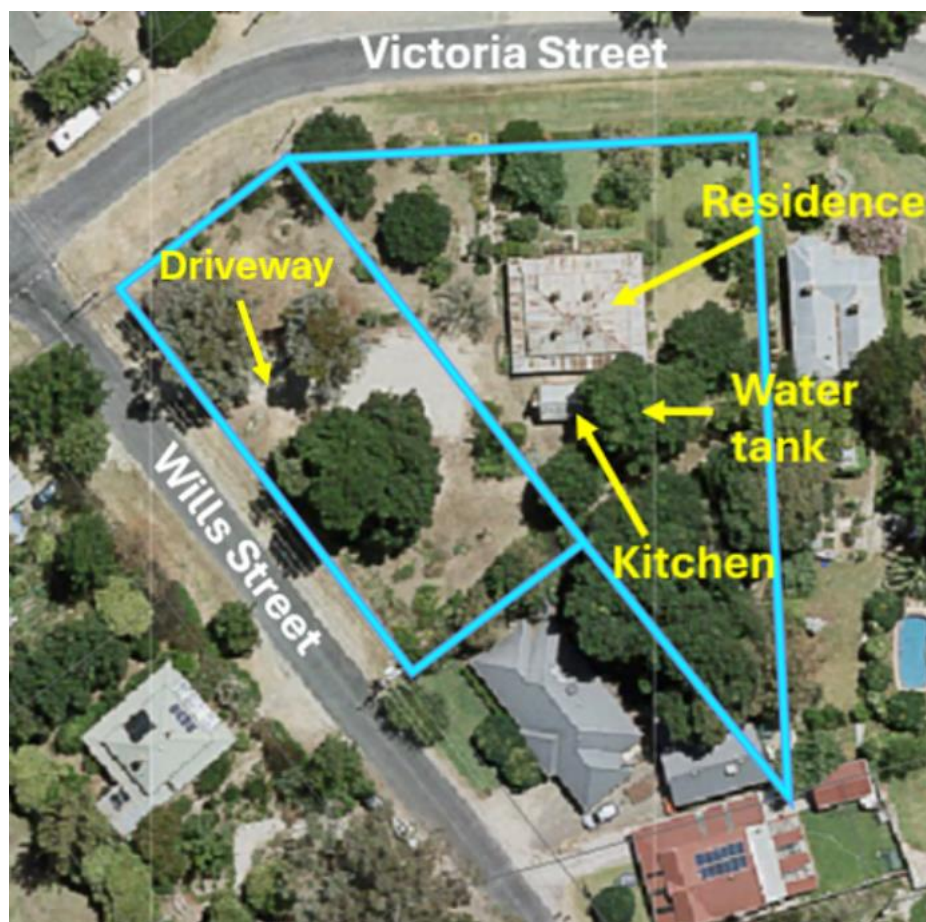
The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place, object or land before entering into a contract.

5. Further information

The relevant sections of the Act are provided at the end of this report.

Diagram of main elements

This diagram indicates the location of the main elements at Lake View.



Description images



2026, Northern verandah, Source: Heritage Victoria.



2026, Southern verandah, Source: Heritage Victoria.



2026, Detached kitchen building & garden, the arrow denotes underground water tank, Source: Heritage Victoria.



2026, Henry Handel Richardson's writing desk, Source: Heritage Victoria.



2026, Bedroom on southwest side, Source: Heritage Victoria.



2026, Dining room, Source: Heritage Victoria.

History

Statement of Country

The Yorta Yorta have an unbroken connection to the land and waters around Chiltern from time immemorial.

Yorta Yorta Country covers some 20,000 square kilometres on both sides of the Murray River roughly from Cohuna to Albury/Wodonga. It includes towns such as Chiltern, Echuca, Shepparton, Benalla, Corowa and Wangaratta and extends northwards to just south of Deniliquin.

In the 1830s, European pastoralists and squatters dispossessed First Nations Peoples of their Country, including the Yorta Yorta. The Yoorrook Justice Commission (2025) has recorded how colonisation caused irreparable damage to First Peoples in Victoria through massacres, the introduction of diseases, confinement on missions and reserves, forced labour, the separation of families, and ongoing policies and practices that have resulted in systemic injustice.¹

The Yorta Yorta continue to live, work, practise culture and manage land and waters around Chiltern.

Chiltern

The Victorian gold rush began when gold was discovered in the Ballarat region in 1851. During the 1850s Victoria accounted for more than a third of the world's gold production and by 1852 Ballarat was the richest goldfield in the world. The influx of migrants to the goldfields meant that Australia's population quadrupled from 430,000 to 1.7 million between 1851 and 1871.

Whilst Chiltern was first gazetted in the early 1850s, a township was not developed until 1858, when John Conness discovered gold nearby. By 1859, with between 12,000 and 15,000 people working in the goldfields across Victoria, Chiltern was at the height of its prosperity. The town was proclaimed a municipal district in 1861, and a council was formed in 1862. The burgeoning town was described by the *Victorian Gazetteer* as agricultural and pastoral, having a 'County and Police Court, a Court of Mines, a reading room, a telegraph station and a post and money order office, a newspaper, the *Federal Standard*, and branches of the Australasia, New South Wales and Oriental Banks.'²

After the gold rush, Chiltern's fortunes declined until the commencement of deep alluvial mining in 1886. Once quartz mining stopped in 1911 and the Chiltern Valley mine closed in 1920, Chiltern ceased to be a gold mining town.

Lake View

Lake View was built c.1872-75 after Andrew Kilgour sold the allotment he had purchased from the Crown in 1869 to Mary Ann Hancock in 1872. Mary Hancock obtained a £500 loan from the Victorian Permanent Building Society in 1873, which is consistent with the amount required for the construction of a house of Lake View's size and standard.

Ethel Richardson (later Henry Handel Richardson) resided at Lake View with her family between in 1876-77. The residence was rented by her father, Dr William Richardson, a medical doctor. The earliest surviving reference to the house is in correspondence from Dr Richardson in 1876 where he claims the house was built around 18 months prior to the family moving in.³

Following the departure of the Richardsons, Lake View was leased to several doctors who set up their practice in the residence. From the turn of the century, Lake View ceased to be leased to doctors. Over the first half of the twentieth century, it had numerous occupants such as storekeepers, railway gangers and beekeepers, to name a few.

The National Trust of Australia (Victoria) acquired Lake View in 1967. Lake View has operated as a house museum since 1969, primarily focusing on the life and works of Henry Handel Richardson. The house has been repaired, furnished and decorated to represent the period of occupancy of the Richardsons as it was depicted in her trilogy *The Fortunes of Richard Mahoney*.

¹ Yoorrook Justice Commission, 2025.

² Victorian Government Gazette, 1865.

³ John & Thurley O'Connor, 'Lake View' Chiltern Historical Structure Report, 8.

Henry Handel Richardson

Henry Handel Richardson was born Ethel Florence Lindesay Richardson in 1870 at 139 Victoria Parade, Fitzroy. This residence is part of Blanche Terrace, which was included in the Victorian Heritage Register in 1974 (VHR H0177-82). Richardson was the eldest daughter of medical practitioner Walter Richardson, and Mary, née Bailey. Her parents had emigrated from England to the Victorian goldfields in 1852 and soon settled in Ballarat, where Walter practiced as an obstetrician.

The Richardsons moved to Chiltern in 1876. Ethel Richardson spent eleven months as a child living at Lake View in two separate stages, from July 1876 to January 1877. The family then moved to Queenscliff for three months, before returning to Lake View for another five months. The Richardson family left Chiltern in September 1877 when Walter Richardson's medical practice failed. His mental health had deteriorated in Chiltern, and he was committed to the Yarra Bend asylum, suffering from what is now believed to be syphilis. At this time the rest of the Richardson family were living in Koroit, where Mary worked as a post mistress. Walter Richardson was discharged from Yarra Bend in February 1879 and died in Koroit later that year.

Ethel Richardson studied at Presbyterian Ladies College in Melbourne from 1883 to 1887 where she excelled at piano and music composition. She drew on her experiences at school for her novel *The Getting of Wisdom* (1910), which she published under the pen name Henry Handel Richardson. Richardson had adopted a male pseudonym to counter the prejudices held against women writers, and all her works would be published under this name. Richardson left Australia in 1888 and enrolled in the Royal Conservatorium in Leipzig, Germany to study the piano. It was in Leipzig that Richardson would meet her future husband, Scottish philologist John George Robertson. Her debut novel *Maurice Guest* (1908) is based in Leipzig.

Richardson's most enduring work, *The Fortunes of Richard Mahony*, was published in three parts: *Australia Felix* (1917), *The Way Home* (1925) and *Ultima Thule* (1929). The trilogy is roughly based on the life of Richardson's parents. It follows their emigration to Australia, her father's illness and her mother's resilience and resourcefulness in coping with her husband's deteriorating mental health. The third instalment, *Ultima Thule*, depicts Chiltern and the Lake View house under the guise of the fictional town Barambogie. In 1912 Richardson returned to Chiltern from London to conduct research on what would become *The Fortunes of Richard Mahoney*.

Ultima Thule earned Richardson the Australian Literature Society gold medal for best novel in 1929 and she was later nominated for the Nobel Prize in Literature in 1939. Henry Handel Richardson died in England in 1946, aged 76. In 1948 her unfinished memoir *Myself When Young*, was published, which also contains reflections on her time at Lake View. She wrote:

...the small red-brick, one storeyed house, into which we now packed, is still clear in every detail. I liked it because all its windows were french windows and usually stood wide open, which gave one a sense of freedom, and because it had a verandah running round three sides of it. Though our heaviest furniture had been disposed of, the rooms were uncomfortably full, and the garden was often considered too hot for us; but on the verandah we could be sure of finding shade and space.⁴

Selected bibliography

Dorothy Green, 'Richardson, Ethel Florence (Henry Handel) (1870-1946)', Australian Dictionary of Biography, National Centre of Biography, Australian National University. [Biography - Ethel Florence \(Henry Handel\) Richardson - Australian Dictionary of Biography](#).

Henry Handel Richardson, *Ultima Thule*, William Heinemann Ltd, 1929.

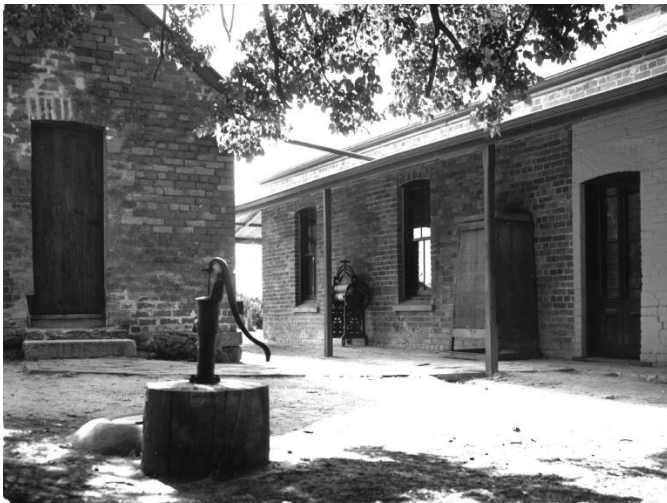
Acknowledgements

The Executive Director thanks the following people for sharing their knowledge of Lake View.

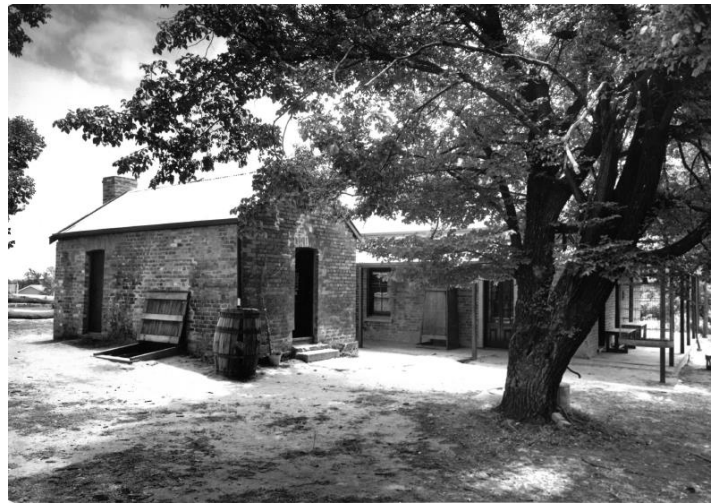
- Michelle Price – National Trust of Australia (Victoria) Chiltern Properties Coordinator

⁴ Richardson, Henry Handel, *Myself When Young*, 1948, quoted in National Trust of Australia (Victoria), Lake View [House](#)

Historical images



c.1968, Underground water tank (foreground), Source: NTAV.



c.1968, Detached kitchen, Source: NTAV.



c.1968, Lake View house, Source: SLV.



1969, Social function at Lake View, Source: SLV.



c.1968, Drawing room, Source: NTAV.



c.1968, Hallway, Source: NTAV.

Further information

Registered Aboriginal Party information

Lake View is located on Yorta Yorta Country.

Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Yorta Yorta Nation Aboriginal Corporation.

Native Title

There is no native title or Traditional Owner settlement agreement for this location. In June 2004, the Victorian Government entered into a co-operative management agreement with Yorta Yorta over certain public lands that formed part of their native title claim area. Lake View is not on this land.

Victorian Aboriginal Heritage Register

The place is not included in the Victorian Aboriginal Heritage Register and is not in an area of Aboriginal cultural heritage sensitivity.

Integrity

The integrity of the place is excellent.

The cultural heritage values of Lake View can be easily read in the extant fabric.

(11 June 2026)

Intactness

The intactness of the place is excellent.

The place has been well repaired and is presented to resemble its condition as it would have been during the 1870s when it was briefly occupied by the Richardson family.

(11 June 2026)

Condition

The condition of Lake View is excellent.

(11 June 2026)

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 Lake View was recognised in 1974 by its inclusion in the Register of Historic Buildings.

Amendment application

On 19 August 2026 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.

Assessment of additional land and summary of significance

The information below is provided under s.40(3A)(c)(i)(ii) and s.40(4)(c)(i)(ii) as part of the Executive Director's Statement of recommendation.

The Executive Director recommends that the Heritage Council amend this registration because it is his view that:

- 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 [s.40(3A)(c)(i)].
- 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 [s.40(3A)(c)(ii)].

The Executive Director notes that:

- The current extent is limited to the fabric of the residence, and is insufficient to protect, conserve and allow for a proper understanding of the place.
- The current extent:
 - Excludes the detached kitchen and cellar.
 - Excludes the underground water tank.
 - Excludes the garden and mature trees.
 - Excludes the adjacent parcel of land which encompasses the driveway and a portion of the garden.
- The land proposed for inclusion on Lot 1 of Title Plan 827645 both is currently and has been used in conjunction with the place since c.1872-75 which is over 150 years.
- The land proposed for inclusion on Lot 1 Title Plan 907479 both is currently and has been used in conjunction with the place since c.1968 which is over 55 years.

The Executive Director is of the view that:

- If any of the additional land proposed for inclusion in the registration were developed, depending upon the nature of the proposal, there is potential for the development to impact upon the place and substantially reduce its State-level cultural heritage significance.
- In the context of other nineteenth-century villas with registered land in the VHR, this is an outlier because its current extent of registration does not cover the entire garden area and associated structures.
- The proposed inclusion of additional land, particularly around the currently registered building will enable works that could potentially impact on its conservation, such as drainage and paving, to be managed under an approvals process.
- The proposed inclusion of additional land will ensure that the following historic buildings/structures/trees are included in the extent of the Registered Place, and will be subject to an approvals process to manage change:
 1. Detached kitchen & cellar
 2. Underground water tank
 3. Garden including mature trees.

Change of name

Current primary name: Lakeview

Proposed primary name: Lake View

Reason for change of primary name: The place was gazetted and included in the Register of Historic Buildings in 1974 as 'Lakeview'. The Executive Director is seeking to change the name to 'Lake View' to maintain consistency with National Trust listings and publications.

Alternative name(s) also recorded: Lake View House

Statutory requirements under section 40

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

The Executive Director recommends that the registration of Lake View in the VHR is amended.

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

Number: H0280

Category: Registered Place.

Name: Lake View

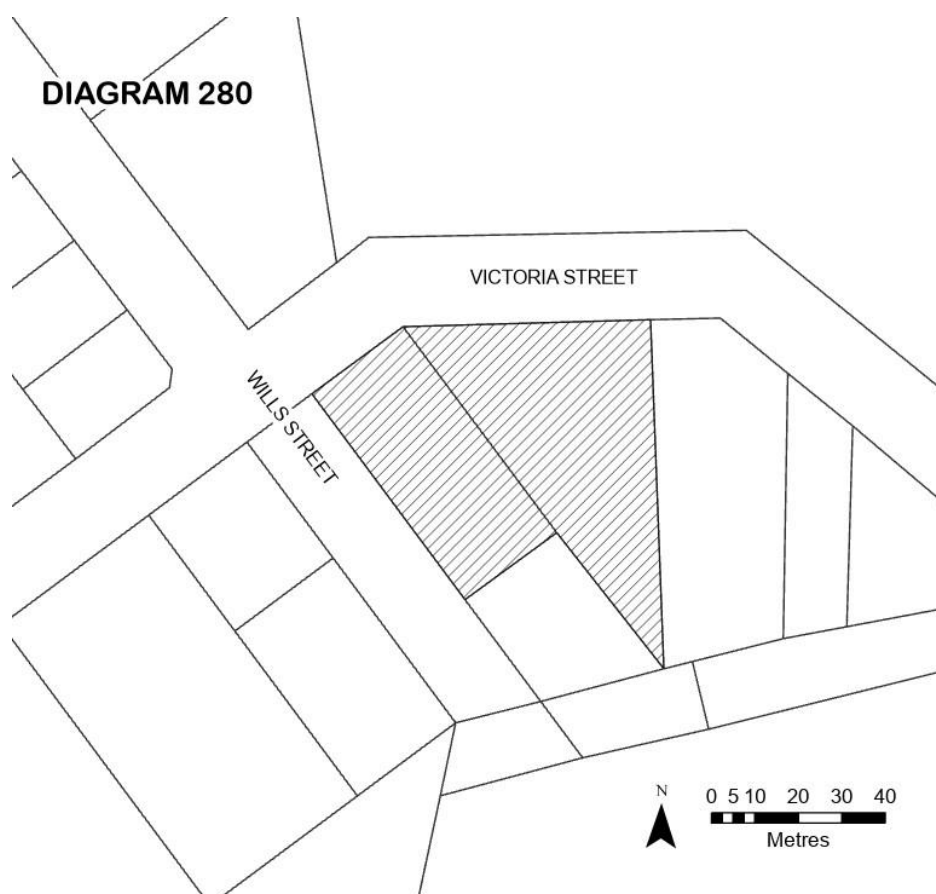
Location: 18-22 Victoria Street and 13 Wills Street, Chiltern

Municipality: Indigo Shire

Proposed extent of registration

The Executive Director recommends that the extent of registration for Lake View be gazetted as:

All of the place shown hatched on Diagram 280 encompassing all of Lot 1 on Title Plan 827645 and Lot 1 on Title Plan 907479.



Non-statutory information about the proposed extent of registration

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 proposed extent of registration

The recommended extent of registration comprises all elements and features of State-level cultural heritage significance, including the main residence, the detached kitchen & cellar, the underground water tank and the land occupied by the driveway and garden. This extent of registration has been chosen because it is historically associated with the place and aligns with the existing title boundaries. The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything included in the proposed extent of registration including all of the land, all soft and hard landscape features, plantings, all buildings (exteriors, interiors and fixtures), is proposed for addition to the current registration. 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.

Memorabilia and objects

Lake View is registered in the category 'Registered Place' (s.25). Although items of Richardson family memorabilia are on display in the house which '*contribute to the building's significance*', according to the statement of significance (2004), these are not registered. The Executive Director does not propose a change in relation to this.

Ethel (later Henry Handel) Richardson spent only eleven months living at Lake View between the ages of 6 and 7 from 1876. In 1877, the Richardsons moved out with their belongings, and the residence was subsequently leased to multiple tenants until 1966. The provenance of most of the objects currently on display at Lake View does not have a relationship with the place when Ethel Richardson resided there in the 1870s. From 1966, memorabilia was sourced from the Richardson family and other places for display to enable the National Trust to establish Lake View as a house museum dedicated to Henry Handel Richardson.

For example, Henry Handel Richardson wrote her first novel *Maurice Guest* (1908) on the writing desk at Lake View. But she was 38 years old when she wrote this novel, and it was written and published while she was living in Strassbourg and London, not at Lake View. The desk was subsequently installed at the house for the purposes of demonstrating and interpreting Henry Handel Richardson's life.

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

Statement of significance

Lake View is located on Yorta Yorta Country.

What is significant?

Lake View is a single-storey, six-room, red brick, hipped-roof Victorian house constructed c.1872-75, surrounded by a verandah on all sides. The place includes a detached red brick kitchen with cellar, an underground water tank and several mature trees in a garden setting.

How is it significant?

Lake View is of historical 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.

Why is it significant?

Lake View is historically significant as a fine example of a nineteenth century country villa that now serves as an early example of a Victorian house museum. The house is notable for its connection with the novelist Henry Handel Richardson, who briefly lived there as a child in 1876-77. Lake View features in Richardson's novel *Ultima Thule*, the third instalment of her *Fortunes of Richard Mahoney* trilogy, which is loosely based on the lives of her parents, Walter Richardson and Mary Bailey. Although Henry Handel Richardson only spent eleven months residing at Lake View as a child, the place has a close and enduring connection to her legacy as a major figure in Australian literature. This is expressed in the current function of the house, which has been restored and furnished to its condition and appearance as it would have been during the occupation of the Richardson family, and contains several objects relating to Henry Handel Richardson's life and works. [Criterion A]

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 Permit 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 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 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 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 Permit Exemptions

The works and activities listed below under the heading 'Exempt works and activities' are not considered to cause harm to the cultural heritage significance of Lake View. These are subject to the following guidelines and conditions:

Guidelines for specific permit exemptions

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.

General conditions for specific permit exemptions

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 Aboriginal Heritage Council (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

Buildings

Interiors

1. Repair, replacement and installation of smoke detectors and security sensors in the same locations.
2. Works to electrical wiring, switches and power outlets provided existing locations are used.

Exteriors

3. Repairs to gutters, downpipes and drainage to direct water away from the building.

External land

4. All subsurface works including installation of underground services and drainage, provided it does not interfere with the cellar or the underground water tank and the land is returned to its former appearance.
5. All gardening, new planting and landscaping works and activities, provided that garden beds and plantings are not located in areas that may contribute to building dampness or cause mechanical damage to the building.
6. Pruning and lopping of trees and vegetation.
7. Repairs, maintenance, all internal works and demolition of the toilet block to the rear of the garden.

Appendix 1: Important information for owners and interested parties

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 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.

Appendix 2: Existing registration details

Existing extent of registration

Shire of Chiltern. No.280. Lakeview, Victoria Street, Chiltern.
[*Victoria Government Gazette* No 100 Wednesday, October 9 1974 p.3649]

Existing extent diagram

This registration was gazetted in 1974 without an extent diagram.

Existing statement of significance

What is significant?

Lake View, Chiltern is a single-storey, red brick Victorian residence built in c.1870 with a separate brick kitchen. The bricks were probably made locally. The six-roomed residence is a standard Victorian style with a central passageway. The house has French doors at either end of the passageway and also opening onto an encircling verandah. Four equidistant chimneys are set into a hipped, corrugated iron. The house is situated on the south bank of Lake Chiltern. There are remnant plantings from the original garden layout.

The house was briefly the residence of medical practitioner Dr Walter Lindesay Richardson and his family, including his daughter Ethel Florence Richardson, who later became the novelist Henry Handel Richardson. The Richardsons moved to Lake View upon their arrival at Chiltern in 1876 and departed the following year when Dr Richardson's medical practice failed. Henry Handel Richardson's three-volume novel, *The Fortunes of Richard Mahony*, has been acclaimed as one of Australia's greatest novels. The house featured as 'Barambogie' in the final of the three-volumed novel, *Ultima Thule*, published in 1929, and was also mentioned in her autobiographical account, *Myself When Young* (1948).

Lake View continued to be used as a doctor's residence and practice in the twentieth century. It was restored in the 1960s and has since operated as a house museum.

How is it significant?

Lake View, Chiltern, is of architectural and historical significance to the State of Victoria.

Why is it significant

Lake View, Chiltern, is of historical significance for its association with Henry Handel Richardson, the pen name of Australian novelist Ethel Florence Robertson (née Richardson) (1870-1946). Items of Richardson family memorabilia, which are on display in the house, contribute to the building's significance.

Lake View, Chiltern, is of architectural and historical significance as an example of a country villa residence built during a period of prosperity in the mining town of Chiltern.

Existing permit policy and permit exemptions

General Conditions: 1. All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

General Conditions: 2. Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

Note: All archaeological places have the potential to contain significant sub-surface artefacts and other remains. In most cases it will be necessary to obtain approval from the Executive Director, Heritage Victoria before the undertaking any works that have a significant sub-surface component.

General Conditions: 3. If there is a conservation policy and plan all works shall be in accordance with it.

Note: A Conservation Management Plan or a Heritage Action Plan provides guidance for the management of the heritage values associated with the site. It may not be necessary to obtain a heritage permit for certain works specified in the management plan.

General Conditions: 4. Nothing in this determination prevents the Executive Director from amending or rescinding all or any of the permit exemptions.

General Conditions: 5. Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the responsible authorities where applicable.

Minor Works: Note: Any Minor Works that in the opinion of the Executive Director will not adversely affect the heritage significance of the place may be exempt from the permit requirements of the Heritage Act. A person proposing to undertake minor works must submit a proposal to the Executive Director. If the Executive Director is satisfied that the proposed works will not adversely affect the heritage values of the site, the applicant may be exempted from the requirement to obtain a heritage permit. If an applicant is uncertain whether a heritage permit is required, it is recommended that the permits co-ordinator be contacted.