

# Statement of Recommendation from the Executive Director, Heritage Victoria

Grassdale, VHR H0261  
8 Grassdale Road, Sale, Wellington Shire  
Gunaikurnai Country



## Executive Director recommendation

I recommend to the Heritage Council of Victoria (**Heritage Council**) that Grassdale, located at 8 Grassdale Road Sale, Wellington Shire 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 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 February 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.

## History

### Gunaikurnai

The Gunaikurnai have an unbroken connection to the land and waters around Gippsland from time immemorial.

The Brayakualung clan's territory was around the current site of Sale, the Avon and Latrobe rivers, and west of Lake Wellington to Mount Saw Saw and Mount Howitt.

The Yoorook Justice Commission recorded how colonisation brought irreparable damage to First Peoples in Victoria with the introduction of diseases, massacres, dispossession from Country, confinement on missions and reserves, forced labour, separation of families and ongoing policies and practices that perpetuate systemic injustice.<sup>1</sup>

From the 1830s, Europeans began taking up land in what is now known as Wellington Shire, dispossessing the Gunaikurnai people of their Country. The squatters sought suitable grazing land, and in doing so invaded Gunaikurnai Country resulting in conflict and violence between settlers and the Gunaikurnai people, and colonists committed acts of genocide and legalised relocation.<sup>2</sup> As pastoral runs were established, with as many as forty stations by 1844, these runs came to be known by British names, predominantly Scottish, rather than existing Aboriginal place names.<sup>3</sup>

The Gunaikurnai continue to live, work, practice culture and manage land and waters around Sale.

### Grassdale

From the 1850s, townships including Sale and roads were established in the Gippsland region. This period was characterised by frequent changes of land ownership or tenure, with more prosperous squatters taking over the less successful runs.<sup>4</sup>

The Grassdale residence was built by John King, brother-in-law of Floyd Minter Peck and owner of 'The Ridge' at Rosedale,<sup>5</sup> most likely in the early to mid-1850s. Oral history from the MacLachlan family at the time of initial classification by the National Trust (1972) indicates this era, but an exact date is unknown. All materials for the homestead and outbuildings were sourced from the property itself, including the wattles and clay for the walls, timber for shingles, and red gum for flooring.<sup>6</sup>

The homestead is styled in the colonial vernacular tradition. It is a long rectangular building with a steeply pitched corrugated iron hipped roof and a wide encircling verandah. Internally, the house has four main rooms located across the front contained within the main hipped-roof section, and other rooms located across the rear under a skillion roof. The verandah is more decorative at the front of the building, employing larger and more ornate timber posts, and a scalloped valance beneath the fascia. The original timber shingles remain in place beneath the existing corrugated iron roof.

### Dr. Floyd Minter Peck

Dr. Floyd (some primary sources use the spelling Ffloyd) Minter Peck and James Peck, brothers from Newmarket, Suffolk, owned the land north of the Sale showgrounds. Grassdale was located on the western boundary of the paddock, and James Peck's home, Bowerette was located nearby. Dr. Peck was married to Anna Maria (nee Robertson) and prior to migrating to Australia the pair had five children. There are conflicting accounts of when they settled at Grassdale, but it is known that they were living at Grassdale by May 1859 when Anna Maria died after giving birth to their sixth child.<sup>7</sup>

Dr. Peck died in 1864 after contracting an infection while performing an autopsy. In the late 1860s, a memorial window to Peck was erected by subscription at the Anglican church of which Peck was a member and moved to the new Sale cathedral in Cunnigham Street in 1884.<sup>8</sup>

<sup>1</sup> Yoorook Justice Commission. *Truth be Told*. 2025.

<sup>2</sup> 2020. Telling the truth about Gippsland's history. Aunty Doris Paton, Jessica Horton and Beth Marsden. <https://overland.org.au/2020/10/telling-the-truth-about-gippslands-history/>

<sup>3</sup> 2005. Wellington Shire Heritage Study: Stage 1, Volume 2: Environmental History. Context.

<sup>4</sup> 1972. *Sale: The early years—and later*. O.S. Green.

<sup>5</sup> 1992. *The Peck Plaques: an insight into the lives of Gippsland's first settlers through the medical practices of early Gippsland doctors and nurses*. Flora Johns, p29.

<sup>6</sup> National Trust of Australia (Victoria). File B2803.

<sup>7</sup> Family Notices (1859, May 13). *Gippsland Guardian* (Vic.: 1855 - 1868), p. 2. Retrieved December 1, 2025, from <http://nla.gov.au/nla.news-article112488949>.

<sup>8</sup> <https://www.stpaulssale.org.au/sgwinfo/36-front-w/84-fw-info.html>

## John MacLachlan

John MacLachlan was born in Scotland and migrated to Australia in 1837, spending time in Hobart and Adelaide before settling in Victoria near Portland in 1839. After the Black Thursday bushfires of 1851 destroyed large parts of Victoria, including MacLachlan's Portland cattle run, MacLachlan's prosperity dwindled.<sup>9</sup> In 1862, he moved to Gippsland where he purchased Grassdale. The exact date of purchase is unknown but is assumed to be shortly after Dr. Peck's death in 1864. It was during MacLachlan's period of ownership (1860s-90s) that the oaks and elms, as well as hedges around the property boundary were planted.<sup>10</sup> Until his death in 1894, MacLachlan operated Grassdale for farming and grazing, which was continued by subsequent generations of the family.

The homestead building itself retains a high degree of integrity and is maintained in good physical condition. A program of works was undertaken in c.1996 to address the subsidence of perimeter walls and rotting floors to the verandah, and a modern kitchen was installed inside the homestead. The original entrance drive from Sale-Maffra road including a circular rose garden to the front of the homestead and a brick annexe to the north containing a kitchen, laundry and workers' quarters have been removed.

## Selected bibliography

1994. *Gippsland's Lucky City: A history of Sale*. Peter Synan.

1972. *Sale: The early years—and later*. O.S. Green.

1992. *The Peck Plaques: an insight into the lives of Gippsland's first settlers through the medical practices of early Gippsland doctors and nurses*. Flora Johns.

## Acknowledgements

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

- Pauline Hitchins and Peter Synan, Sale Historical Society.

<sup>9</sup> 1979. Is Emu on the Menu? Historical homesteads and recipes of Gippsland.

THE LATE MR. J. MACLACHLAN. (1894, June 15). Morwell Advertiser (Morwell, Vic. : 1888 - 1954), p. 4. Retrieved December 1, 2025, from <http://nla.gov.au/nla.news-article65799675>

<sup>10</sup> National Trust of Australia (Victoria). File B2803.

## Images



2025. Grassdale.



1975. Grassdale front verandah. Source: National Trust of Australia (Victoria) File B2803.



1975. Grassdale from the rear, with skillion roofed section. Source: National Trust of Australia (Victoria) File B2803.



1975. Brick kitchen annexe now demolished. Source: National Trust of Australia (Victoria) File B2803.



1957. Aerial view of Grassdale.



2025. Current aerial view with significant features labelled.



2025. Timber shingles visible under verandah roof.



2025. Grassdale viewed from eastern fence line.



2025. Northwestern timber outbuilding.



2025. Northeastern timber outbuilding.



2025. Historic entrance to Grassdale, off Sale-Maffra Road.



2025. Avenue of English oaks and Wych elms. 2025. Hawthorn hedges along southern boundary and remnant post and rail fence.

## Further information

### Registered Aboriginal Party information

Grassdale is located on Gunaikurnai Country.

Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Gunaikurnai Land and Waters Aboriginal Corporation.

### Native Title

Native Title is the recognition in Australian law that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. Native Title is not granted by governments. It is recognised through a determination made by the Federal Court of Australia under the *Native Title Act 1993* (Cth).

In 2010, acknowledging the difficult nature of having native title determined under the Native Title Act, the Victorian Government developed an alternate system for recognising the rights of Victorian Traditional Owners. The *Traditional Owner Settlement Act 2010* (Vic) allows the government and Traditional Owner groups to make agreements that recognise Traditional Owners' relationship to land and provide them with certain rights on Crown land.

On 22 October 2010, the Federal Court recognised that the Gunaikurnai people hold native title over much of Gippsland. On the same day the Recognition and Settlement Agreement (RSA) between the Victorian Government and Gunaikurnai Land and Waters Aboriginal Corporation (GLAWC) commenced.

### 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.

(1 August 2025)

### Integrity

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

Grassdale is still legible as a rural farming property. The vernacular style homestead and outbuildings, the flat landscape, and exotic trees contribute to the place's integrity.

(December 2025)

### Intactness

The intactness of the place is very good.

There has been minimal alteration to the place. Some modern sheds have been introduced but these are appropriate to the existing context.

(December 2025)

### Condition

The condition of the place is good.

There is some cracking to the daub surface on the exterior. On the two sheds there are signs of weathering to the timber cladding to the exterior, to be expected for the age of the buildings.

(December 2025)

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.

## Condition, intactness and integrity images



2025. Failing daub to exterior wall.



2025. Weathered timber members to exterior wall of shed.

## Amendment recommendation

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

The State-level cultural heritage significance of Grassdale was recognised in 1974 by its inclusion in the Register of Historic Buildings.

### Amendment application

On 17 December 2025 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 of registration is limited to the fabric of the building, and is insufficient to protect, conserve and allow for a proper understanding of the place.
- The current extent:
  - excludes outbuildings
  - excludes early remnant plantings including hawthorn hedges and mature oaks and elms
  - excludes the land where the historic driveway from the Sale-Maffra Road was located.
- The land proposed for inclusion is currently and has been used in conjunction with the place since the mid-1850s, which is over 170 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, scale and location of the proposal, there is potential for the development to impact upon Grassdale and substantially reduce its State-level cultural heritage significance.
- In the context of other pastoral homestead buildings with registered land in the VHR, this is an outlier because its current extent of registration does not cover any land, outbuildings or remnant early plantings.
- The proposed inclusion of additional land will enable future development that could potentially impact on the conservation of the place to be managed under an approvals process.
- The proposed inclusion of additional land will ensure that the following historic buildings and plantings are included in the extent of the Registered Place, and will be subject to an approvals process to manage change:
  1. Two timber sheds that have supported the homestead's use over 150 years
  2. Mature elms and English oaks
  3. Hawthorn hedges

### Change of name

Not Applicable.

## Statutory requirements under section 40

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

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

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

**Number:** H0261

**Category:** Registered Place.

**Name:** Grassdale

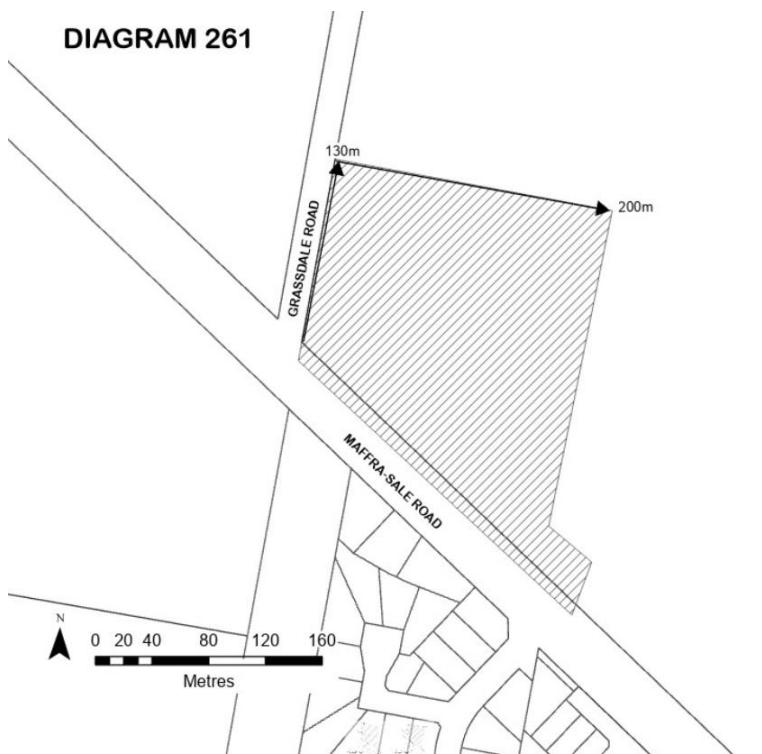
**Location:** 8 Grassdale Road, Sale

**Municipality:** Wellington Shire

### Proposed extent of registration

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

All of the place shown outlined on Diagram 261 encompassing part of Lot 2 on Plan of Subdivision 924057, measuring 130 metres along the western boundary and 200 metres east from the southwest corner of the parcel, all of the avenue of Elm trees in the south east corner, and part of the road reserve of the Maffra-Sale Road to the edge of, but excluding, the sealed roadway, traffic lanes and road shoulder.



## 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 historic outbuildings, Wych Elms and English Oaks, and Hawthorn hedges.

This extent of registration was chosen to provide adequate protection to the avenue and hawthorn hedges to the southern boundary of the property, including protection for tree roots. The 'dog-leg' to the southeastern corner picks up the four remaining trees in the elm avenue beyond the fence line of the main homestead paddock. The increase in the nominal mapping to the northern boundary is to provide an adequate setting for the outbuildings and homestead which are small, single storey, vernacular buildings that have the potential to be impacted by future development. The proposed extent balances the protection of significant elements and their setting without creating an administrative burden for areas of the property that are removed from the significant elements.

The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything included in the proposed extent of registration including all of the land, all soft and hard landscape features, plantings, and all buildings (exteriors, interiors and fixtures) is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

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

### Statement of significance

Grassdale is located on Gunaikurnai Country.

#### What is significant?

Grassdale is an early homestead complex located in Gippsland, built for Dr. Floyd Minter Peck and his wife Anna Maria Peck in the mid-1850s. It is located on the western boundary of the land Peck owned with his brother James on the northern outskirts of the township of Sale. The vernacular homestead and associated sheds and land were purchased by the MacLachlan family after Peck's death in 1864.

A variety of remnant mature exotic trees remain on the property, including hawthorn hedges along the property boundary and around the northern sheds. An avenue of English oak trees and Wych elms parallel to the property boundary are also of significance to the homestead setting.

#### How is it significant?

Grassdale is of historical and architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

##### Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

##### Criterion D

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

#### Why is it significant?

Grassdale is historically significant as one of the earliest surviving homesteads in Gippsland. It is associated with the early years of pastoral settlement in Gippsland. The homestead has important associations with Dr. Floyd Minter Peck and John MacLachlan. Dr. Peck was an early doctor in the Gippsland region, and John MacLachlan operated Grassdale for farming and grazing, a tradition which continued over a period of 100 years within the same family. [Criterion A]

Grassdale is architecturally significant as a fine example of a nineteenth century homestead building that demonstrates the early years of pastoral settlement in the Gippsland region. The homestead is styled in the colonial vernacular tradition, using local materials for the wattle and daub construction, as well as local timbers for shingles that remain in place beneath the existing corrugated iron roof, and red gum flooring. The rectangular homestead building has a steeply pitched corrugated iron hipped roof and a wide encircling verandah. The verandah is more decorative at the front of the building, employing larger and more ornate timber posts, and a scalloped valance beneath the fascia. [Criterion D]

## Recommended permit exemptions under section 38

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 Act.

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 Grassdale. 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

### Farm structures and farmland

1. Demolition, removal and like for like repairs to farm structures built post-1960 including the hay sheds and stock yards.
2. Repair, maintenance and upgrade of fencing using similar materials, form and size.
3. Reconfiguration of internal farm fencing and introduction of new farm fencing to support changing livestock requirements. Materials of new fencing is to match existing.

### Trees and vegetation

4. Clipping, trimming and maintenance of Hawthorn hedges.

### Road reservation

5. Maintenance and repairs of roadside verges, road shoulders and drains where this does not involve sub-surface works that would impact upon the root zones of the Hawthorn hedges, English oak trees and Wych elms on the adjacent property boundary.
6. Installation, maintenance, removal, upgrade and replacement of road signage and road furniture (e.g. guide posts, regulatory signs, directional signage, tourist signage).
7. Installation, maintenance, removal and upgrade of safety barriers.
8. Mowing and slashing of roadside.
9. Pruning of Cypress trees for road safety purposes on the north-east corner of the Grassdale Rd and Maffra Sale Rd intersection (southwest corner of adjoining property).

## 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 Avon. No. 261. Grassdale, "Grassdale", Sale.*

[*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?

The homestead, Grassdale, was built for Dr Floyd Minter Peck and his wife Anna Maria in the mid to late 1850s. It was located on the western boundary of land he and his brother James owned on the northern outskirts of the township of Sale. The property passed into the ownership of the MacLachlan family, with John purchasing Grassdale in the 1860s, probably after Peck's death in 1864. It has remained in the ownership of this family for a number of generations.

The homestead is styled in the colonial vernacular tradition, and is a long rectangular, rendered building with a steeply pitched corrugated iron hipped roof and a wide encircling verandah. Unusually the house lacks any internal corridor, with four main rooms located across the front, all contained within the main hipped section, and other rooms located across the rear, under a skillion roof. The verandah is more decorative at the front of the building, employing larger and more ornate timber posts, and a scalloped valance beneath the fascia which was possibly added at a later date. The roof was constructed using unsawn timbers and timber shingles remain in place beneath the existing corrugated iron roof.

The original entrance drive came off the Sale-Maffra Road and terminated at a circular rose garden in the front of the homestead, though none of this remains. However, there are a variety of remnant mature exotic trees on the property, including hawthorn hedges bordering the roads and a stand of elms around an old pond adjacent to the former route of the entrance drive which provide an appropriate setting for the homestead.

The homestead itself retains a high degree of integrity and is maintained in good physical condition. A program of works was undertaken c.1996 to address the subsidence of perimeter walls and rotting floors to the verandah, and a modern kitchen was installed inside the homestead. A brick outbuilding to the north of the homestead, containing a kitchen, laundry and workers' quarters has been demolished.

How is it significant?

Grassdale homestead is of historical and architectural significance to the State of Victoria.

Why is it significant?

Grassdale homestead is historically significant as one of the earliest surviving homesteads in Eastern Victoria. It is strongly evocative of the early years of pastoral settlement in Gippsland.

The homestead is architecturally significant as a remarkably intact example of colonial vernacular architecture of the mid nineteenth century.

[*Online Data Upgrade Project 2007*]

### Existing permit policy and permit exemptions

Nil.