

Statement of Recommendation from the Executive Director, Heritage Victoria

Pipemakers Park Complex, H1503

2 Van Ness Avenue, Maribyrnong, Maribyrnong City

Wurundjeri Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that the Pipemakers Park Complex, located at 2 Van Ness Avenue, Maribyrnong 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 that the pipe testing machine and Tattsлото incident board are objects that are integral to understanding the cultural heritage significance of a registered place and are to be included in the VHR in accordance with section 49(1)(ca) of the Act; and
- determine to include additional land in the VHR being all of the place shown hatched on Diagram 1503 in accordance with section 49(1)(d)(i) and (ii) of the Act; and
- determine categories of works or activities which may be carried out in relation to the place for which a permit is not required in accordance with section 49(3)(a) of the Act; and
- amend the reasons why the place and objects integral are included in the VHR based on the Heritage Council criteria.

In accordance with section 37 of the Act, it is recommended that the categories of registration are Registered Place, Registered Archaeological Place, and Registered Object Integral to a Registered Place.



STEVEN AVERY
Executive Director, Heritage Victoria
Date of recommendation: 16 September 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, 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 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, 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 Appendix 1.

Description

The following is a description of the Pipemakers Park Complex at the time of the site inspection by Heritage Victoria in February 2024.

The place is located on the traditional land of the Wurundjeri people.

The place is situated on the west bank of the Maribyrnong River, bordered by Van Ness Avenue to the west, and Thompson Reserve and the Frog's Hollow Wetlands to the south. The park provides a recreational space with a close relationship to the river.

The place has a steep topography that slopes downwards to the river from Van Ness Avenue. Some of the buildings adjacent to Van Ness Avenue are cut into the hillside. There is no visual connection between the southernmost carpark and the heritage buildings to the north because of the steep gradient and many trees. However, buildings 1, 2, and 3 do have a very strong visual connection with each other and the river.

A description of each of the buildings is provided below.

1. Building 1 (1872) - is a single storey coursed bluestone building with corrugated iron roof. The bluestone walls are covered in whitewash and the windows and some doorways have been bricked up. Originally it had a second storey that was partially timber framed, with weatherboard cladding and adjustable timber louvres that was demolished prior to 1920.

2. Building 2 (1874) - is a utilitarian, purpose-built industrial building of bluestone construction with wrought and cast-iron roof trusses and purlins. Windows are thought to be cast iron framed but were boarded up at the time of site inspection. Externally, the building is arranged in two long bays, with the western bay extending further than the eastern bay. Internally, it is an open space volume across two levels, reflecting the manufacturing and maintenance methods of the time, including supervision of the entire canning process and flexible layouts.

3. Building 3 (1868) - has a long single volume, gable roof portion of coursed bluestone construction to the west. To the east is a lightweight corrugated iron and metal framed window addition that sits on top of an original bluestone plinth. The eastern portion of the building was subject to a high degree of change during the Hume Pipe Company period to suit the use of this building as the fitters and turner's workshop. The east wall as it presently stands (excluding the bluestone base) was totally reconstructed by the former Melbourne Metropolitan Board of Works when the site was purchased.

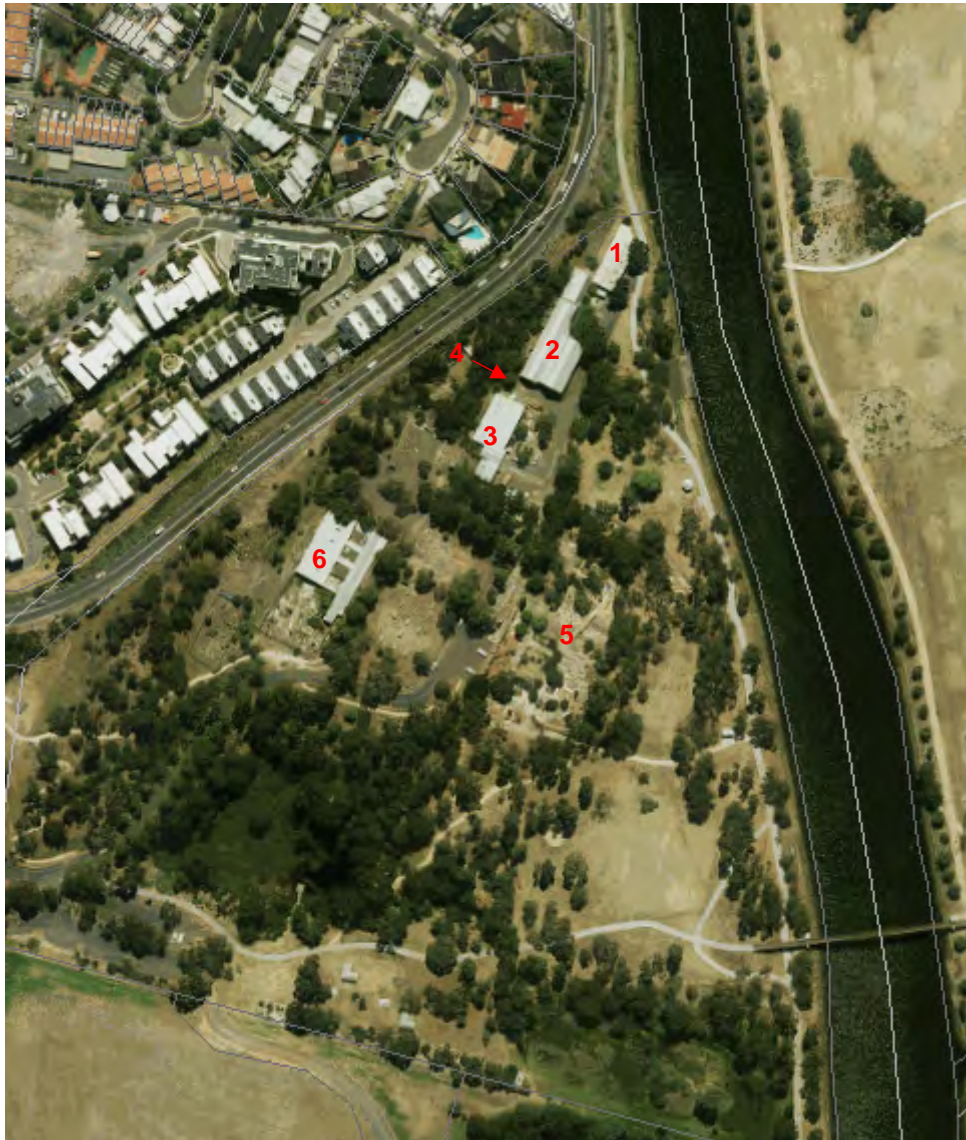
4. Chimney (partially demolished) – the surviving chimney base hidden in the overgrowth between buildings 2 and 3. The base is of coursed bluestone rubble construction, with a stepped foundation. Evidence may remain of the brick flue extending towards the east, including both hand and machine-made bricks.

5. Interpretative garden (in the footprint of the Bottom Factory, demolished 1985) - although obscured by recent landscaping works, the remnants of the bottom factory foundations still reveal evidence of the first stage of expansion on the site by the Hume Pipe Company and surviving features such as the retaining wall, concrete chutes and machinery bases assist in the interpretation of the pipe-making process on the site. Like the Top Factory, the site demonstrates the use of the topography to move completed pipes by gravity during the manufacturing process.

The Bottom Factory was turned into an interpretative garden called the History of the Land Discovery Trail between 1993-95. The 'discovery trail' features five gardens that have been landscaped to reflect periods of use across the site including the Wurundjeri Garden, Early Settlers Garden, Colonial Garden, Hume Pipeworkers Garden, Garden of the Future, and the Industrial Archaeological Garden. The History Garden occupies the footprint of the original bottom factory and retains some features of the eight-foot pipe factory including tramways, concrete chutes, repurposed pipes, and parts of the original concrete slab upon which the Bottom Factory sat.

6. Top Factory (1940s) - is comprised of the main moulding shed, the steam chambers and the stripping area. The main moulding shed is a large, pitched roof space supported on timber columns. To the western end of the building is a large timber platform that was used for mixing concrete, which was delivered to the moulding machines directly below the timber platform. The Top Factory slopes from the moulding shed to the steam chambers, reflecting the use of the site's natural topography in the pipe making process. The steam chambers are composed of Humes concrete slabs used as both wall and ceiling panels, which are at present collapsing. The eastern most section of the Top Factory is the casing and uncasing area, which is roofed by a long gable clad in corrugated iron. Tramways run north-south in this section. The roofing in this area is also in poor condition, with many sheets detaching from the timber joists.

Site plan



Description images



2024. Building 1, northernmost point of the site.



2024. Eastern façade of Building 1.



2024. Northern elevation of Building 2.



2024. Fenced off area between Building 2 (left) and Building 1 (right).



2024. Southern façade of Building 2.



2024. Western elevation of Building 2.



2024. Remains of chimney stack (4) between Building 2 and Building 3.



2024. Eastern elevation of Building 2.



2024. Non-bluestone addition to Building 3.



2024. Northern and western elevations of Building 3.



2024. Entrance to the History Garden, in the footprint of the Bottom Factory (5).



2024. History Garden in the footprint of the Bottom Factory (5). Extant tramways repurposed from the original bottom factory.



2024. Extant chutes to the western retaining wall of Bottom Factory (5).



2024. Modern pipe sculpture in the space between top and bottom factories.



2024. Top Factory (6).



2024. Top Factory interior (6). To the left is a concrete steam chamber that is collapsing. Tramways to the floor.



2024. Top Factory (6) middle section where pipes were loaded into steam chambers



2024. Top Factory (6) back area of the building showing the relationship between platform and steam chambers.



2024. Top Factory (6) timber platform.



2024. Western elevation of Top Factory (6).

History

Pipemakers Park is located in the City of Maribyrnong, on the west bank of the Maribyrnong River (from the Wurundjeri word Mirring-gnay-bir-nong). In the early days of colonisation, it was known as the Saltwater River. Prior to European colonisation, this land was occupied by the Wurundjeri people, which was part of a larger grouping in central Victoria known as the Kulin. The Kulin Nation is an association of people from five language groups, who shared mutual economic and social relationships. There is evidence of Wurundjeri occupation in the Maribyrnong area for at least 17,000 years prior to colonisation.

The Maribyrnong River valley was once an environmentally rich area with a diversity of flora and fauna, which made it an important resource for the Wurundjeri people. For this same reason, the nutrient rich soils of the Maribyrnong River were favoured by Europeans for grazing purposes and in the economic downturn of the 1840s, for the killing and boiling down of livestock. The effects of 150 years of industrial development on the Maribyrnong River were devastating. The cumulative effects of pollution from sheep grazing and the processing of meat, wool, and bones transformed the river from its once pristine environment.

The present-day park was created on a former industrial site. It contains some of the oldest intact early industrial structures in Victoria. Its location on the Maribyrnong River provided water transport for goods.

Raleigh's Boiling Down Works (c.1848-c.1853)

Established by Joseph Raleigh on the banks of the Maribyrnong River. These works boiled down sheep and cattle carcasses, converting fat into tallow. Tallow could be used to make soap and candles, and could be easily exported across Australia and the world. Raleigh's boiling down works were one of the largest in Victoria. The works closed around 1853, following the death of Joseph Raleigh and the start of the Gold Rush, which increased the cost of labour and reduced the profitability of boiling-down.

Robertson, Martin and Smith's Victoria Iron Works (1854-55)

For a brief time, Robertson, Martin and Smith Iron Works operated on the site. This is significant as, during this period, the company built the first railway locomotive in Australia.

In 1854 Australia's first steam railway was opened, the Melbourne and Hobson's Bay Railway. After locomotives ordered from England were delayed, the firm of Robertson, Martin & Smith was chosen to build the first steam locomotive to use the tracks. It is believed that the locomotive was primarily constructed in Melbourne. However, it is possible that parts were constructed at the place.

The Melbourne Meat Preserving Company (1868-86)

Managed by S.S. Ritchie, the Melbourne Meat Preserving Company was established on the site in 1868. The company was vast, with offices, stables, storerooms, stock pens, a slaughterhouse, tinsmiths' shop, boning room, kitchen, preserving department, cooling room, testing rooms, packing department, boiling-down department, stores, bone mill, and machine shop. Tramways connected the departments and wharves were built to assist with water transport. Close to the site, Ritchie established a garden to grow herbs and vegetables for canned soups and stews. As the works continued to grow, it also included a private schoolhouse for workers' children, a boarding house for temporary employees and a manager's residence.

During this time the works were described as "one of the largest factories of its kind in Australia," (Argus, 26 February 1870, p.7) and even in the world (Argus, 6 October 1874, p6). Australian canned meat provided around half of all imported tinned meat to London.

In December 1873 a fire destroyed much of the factory buildings and equipment. Within a year the company had repaired and improved the works. However, competition began to increase, with meat canning growing as an industry in New Zealand, South America, and North America. By 1886 the works were running at a loss and it was decided that the company would be wound up.

The Australian Frozen Meat Export Company (1880-82)

Briefly operating alongside the Melbourne Meat Preserving Company was a frozen meat export business, the first in Australia. The Australian Frozen Meat Export Company developed the Victorian export trade in frozen meat and was, for a time the largest exporter of frozen meat in Australia. In 1882 it was decided that the works would be relocated to Newport. The company went into liquidation in 1886.

Hume Pipes (1912-79)

The Hume brothers, Walter and Edward, pioneered the process of manufacturing centrifugally spun steel-reinforced concrete pipes. Employee Tom McIntyre was able to make machines that allowed the process to be undertaken on a commercial basis. By 1912-13 Hume Bros. Cement Iron Works was established on the site.

A new company, named the Hume Pipe Company (Australia) Ltd was incorporated in 1920. Though the company owned factories across Victoria and Australia, the Maribyrnong remained the centre of production. The patent for Humes' revolutionary pipes, as well as the machinery to construct the pipes, was sold around the world.

During the 1940s some buildings, including the slaughterhouse, were demolished and new buildings, like the Top Factory were built. The main part of the Top Factory was used to construct six-foot pipes, while the southern end was for four-foot 'specials'. Moulding, reinforcement making, steam curing, stripping, and assembling all took place in the same building.

Now called Humes Limited, by 1979 the company decided to wind down its operations in Maribyrnong and the last remaining workers were transferred to Laverton.

Public space

The land was purchased by the former Melbourne & Metropolitan Board of Works in 1979 for use as parkland. The site was cleaned up, with stabilisation and preservation works undertaken, and one of the buildings refurbished and leased to the Living Museum of the West. The site is currently operated by Maribyrnong City Council.

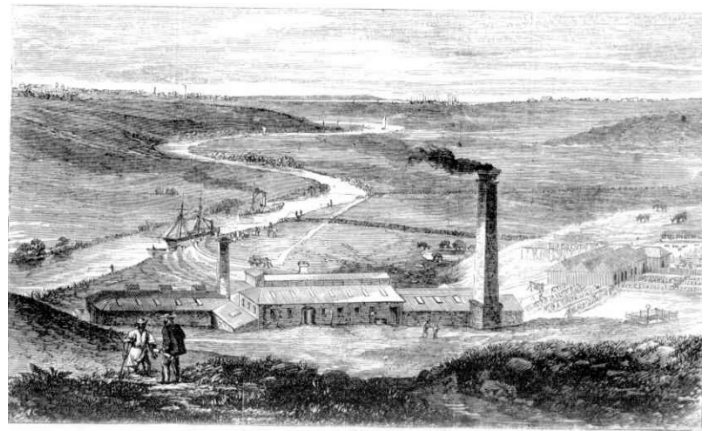
Three historic bluestone buildings, once factory buildings, were used by the Living Museum of the West until recently. The Humes Top Factory has also survived.

The Bottom Factory was turned into an interpretative garden called the History of the Land Discovery Trail between 1993-95. It occupies the footprint of the original factory and retains some features including tramways, concrete chutes, repurposed Humes Pipe Company Pipes, and parts of the original concrete slab.

Historical images



c. 1855. *Painting of Malakoff's Castle and the Saltwater River, showing a section of Raleigh's boiling down establishment (left hand side).* (Source: Greeves, SLV).



1868. *Saltwater River from Above the Melbourne Meat Preserving Company's Works.* (Source: *Illustrated Australian News for Home Readers*, Trove).

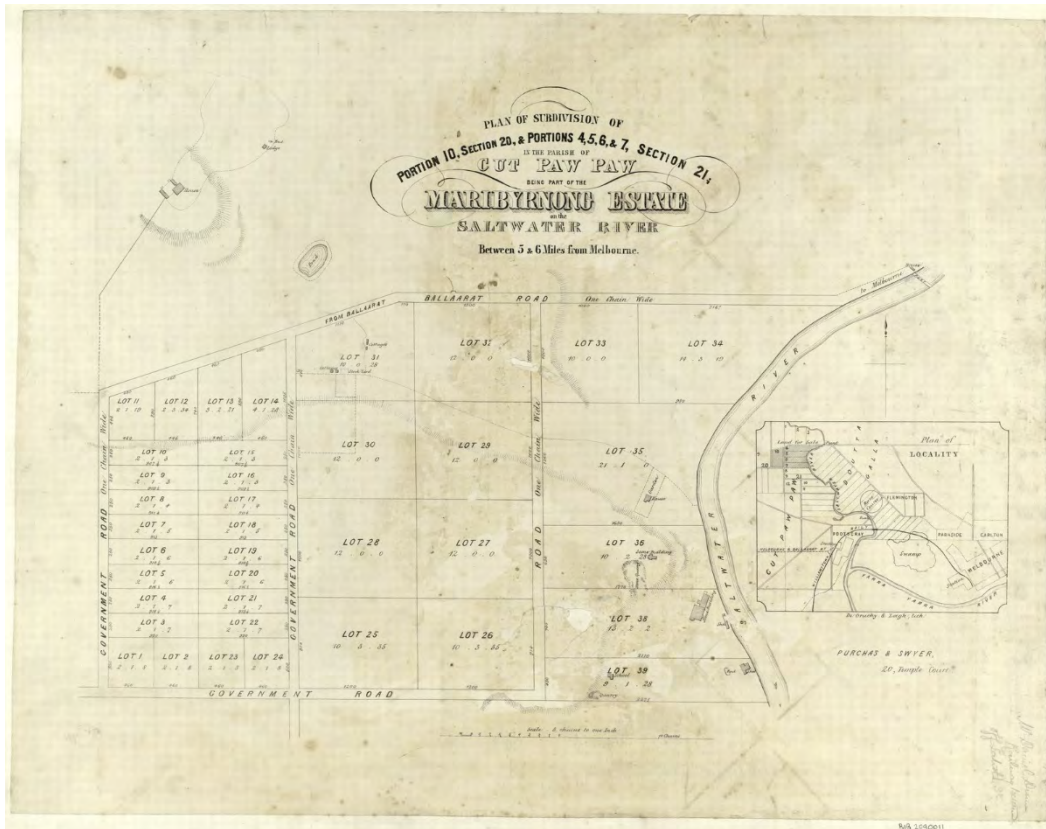


1878. *Melbourne Meat Preserving Company, Maribyrnong.* (Source: Charles Nettleton, NLA).

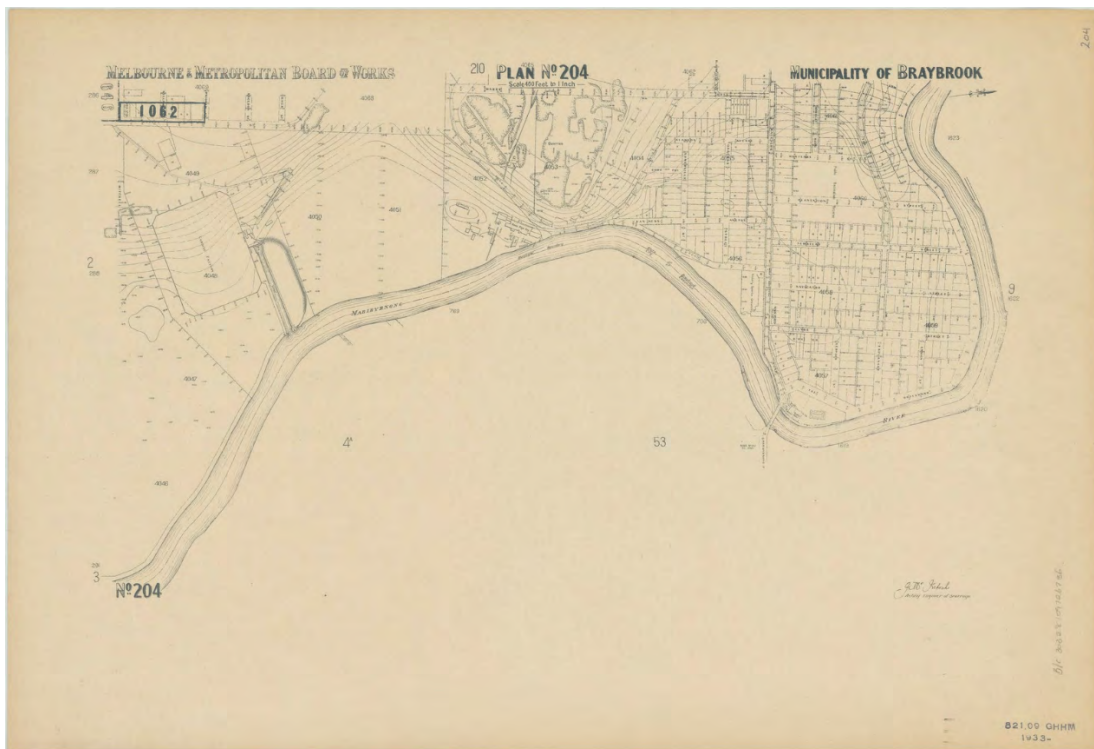


AEROPLANE VIEW OF THE WORKS OF THE HUME PIPE CO. (AUST.) LTD., MARIBYRNONG, NEAR MELBOURNE, VIC.

c. 1930. *Hume Pipe Company Works.* (Source: ANU).



c.1857-1861. Purchas and Swyer Plan of Subdivision for the Maribyrnong Estate. Stone building labelled on Lot 38 an early building (Building 2 or 3) from Raleigh's Boiling Down Works. Source: SLV.



1933. MMBW Plan 204, showing Humes Pipe Company buildings (labelled). Top factory not yet built. Source: SLV.

Selected bibliography

Ford, Olwen and Vines, Gary. *Pipemakers Park Maribyrnong Conservation Analysis*. Prepared for Melbourne Parks and Waterways by Melbourne's Living Museum of the West Inc. 1996.

Biosis Research. *Maribyrnong Aboriginal Heritage Study*. Prepared for City of Maribyrnong. 1999.

Further information

Traditional Owner Information

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

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.

As of June 2024, there is no Native Title determination, and a Recognition and Settlement Agreement does not affect this place.

Victorian Aboriginal Heritage Register

The place is in an area of Aboriginal cultural heritage sensitivity associated with the Maribyrnong River.

Integrity

The integrity of the place is good. The cultural heritage values of the Pipemakers Park Complex can be easily read in the extant fabric.

The complex of buildings is legible as a site of industry. This legibility is enhanced by the relationship of the remaining buildings to the topography and river. The robust bluestone buildings contrast with the improvised construction of the Top Factory, reflecting different concerns at the times of construction.

(February 2024)

Intactness

The intactness of the place is good. Four of the buildings relating to three different phases of use remain.

(February 2024)

Condition

The condition of Pipemakers Park Complex is variable

The condition of the Top Factory is poor. An emergency order was issued in 2023 for demolition and removal of all the structurally unsound, loose and fire affected parts of the building. In February 2024 the building was fenced off and in a dilapidated condition.

The bluestone buildings are in better condition due to their robust construction, but there are ongoing concerns of salt damage and graffiti attacks.

(February 2024)

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.

Intactness/ Integrity/ Condition images



2022. Partial collapse of one concrete steam chamber to Top Factory. Source: FMG Engineering Investigation Report for Pipemakers Park.



2024. Graffiti to Building 1.

Amendment recommendation

State-level cultural heritage significance of the place

The cultural heritage significance of the place was recognised when it was included in the Register of Government Buildings in 1982. Its State-level cultural heritage significance was confirmed in 1998.

Amendment application

On 25 June 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 place. The land proposed for inclusion has been used in conjunction with Raleigh's Boiling Down Works, the Melbourne Meat Preserving Company and later, Humes Pipeworks for a period of over 100 years.
- 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.
- This land contains potential archaeology of State-level cultural heritage significance. Therefore, development or works in this area could substantially lessen the cultural heritage significance of the place.

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

- The current extent is limited to the three bluestone and part bluestone buildings only, which is insufficient to protect, conserve and allow for a proper understanding of the place.
- Inclusion of an area of land around the buildings will also enable works or activities such as drainage, landscaping and paving, to be managed under an approval process.
- Inclusion of an area around the buildings provides a setting for these elements.
- The area includes later additions that contribute to understanding how the place has developed over time.

Amending the Heritage Council Criteria

This place is currently registered on the basis of the following Criteria:

The place has not previously been assessed under *The Victorian Heritage Register Criteria and Threshold Guidelines*.

The Executive Director recommends that the place is registered on the basis of the following Criteria:

Criterion A (Historical Significance)
Criterion C (Archaeological Significance)
Criterion D (Architectural Significance)

It is noted that the current extent of registration applies only to the Former Melbourne Meat Preserving Company buildings, being the three bluestone or part bluestone buildings on site. While the current statement of significance (which has been derived from the National Trust Classification) acknowledges that the Humes Pipe Works are an 'important part in the industrial development of Australia' the extent of registration excludes the buildings related to the Humes period. The significance of the buildings relating to the Humes period have been retested under *The Victorian Heritage Register Criteria and Threshold Guidelines* below.

The current statement of significance is also extremely limited and does not provide reasons or criteria for the registration of the Melbourne Meat Preserving Company buildings. These have also been included in the step tests below.

Change of name

Name is to be updated to the Pipemakers Park Complex, with Pipemakers as one word, to reflect current naming conventions for the place.

Statutory requirements under section 40

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

The Executive Director recommends that the registration of Pipemakers Park Complex in the VHR is amended.

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

Number: H1503

Category: Registered Place, Registered Archaeological Place and Registered Object Integral to a Registered Place.

Name: Pipemakers Park Complex

Location: 2 Van Ness Avenue, Maribyrnong

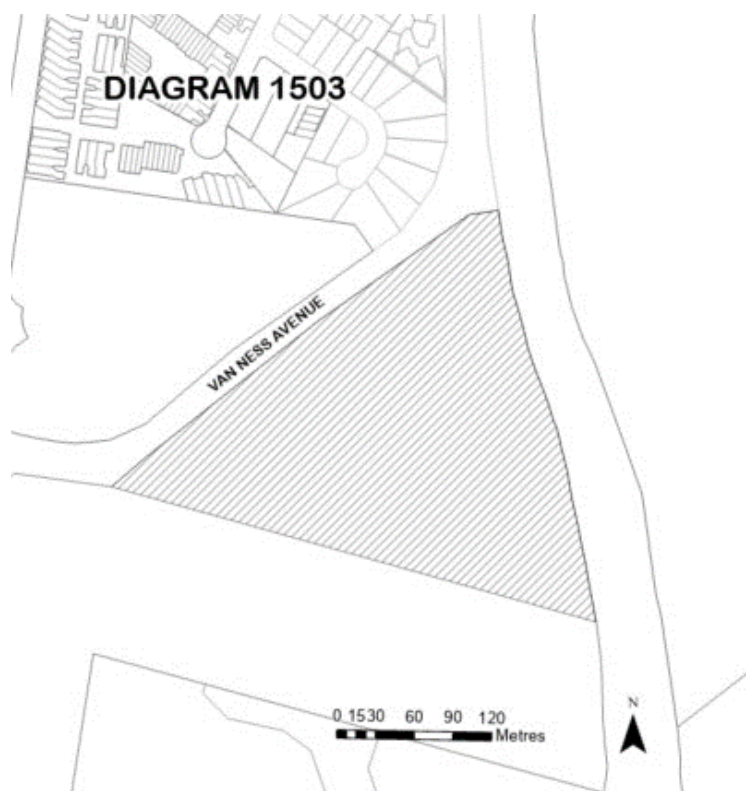
Municipality: Maribyrnong City

Proposed extent of registration

The Executive Director recommends that the extent of registration for Pipemakers Park Complex be gazetted as:

All of the place shown hatched on Diagram 1503 encompassing part of Allotment 8A Section 21 Parish of Cut Paw-Paw with the southern boundary being a straight line parallel to the lot boundary by a distance of 130 metres, and the registered objects integral to the place being the:

1. pipe testing machine;
2. Tattslotto incident board.



Aerial Photo of the place showing proposed extent of registration



Red and yellow arrows correspond with views shown in the below photos.

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.



2024. View from carpark looking to the north. Location marked with red arrow on aerial diagram above.



2024. View from yard in front of Top Factory looking south. Location marked with yellow arrow on aerial diagram above.

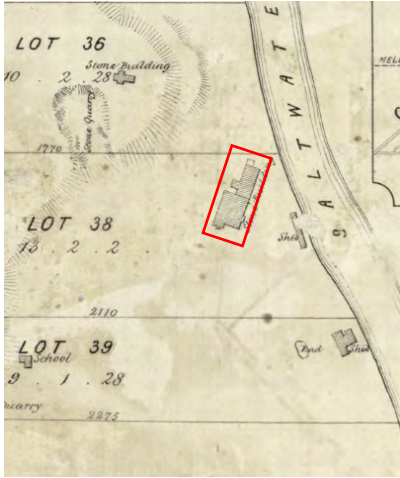


Figure A. 1857-61. Screenshot of Purchas and Swyer Plan of Subdivision. Source: SLV.

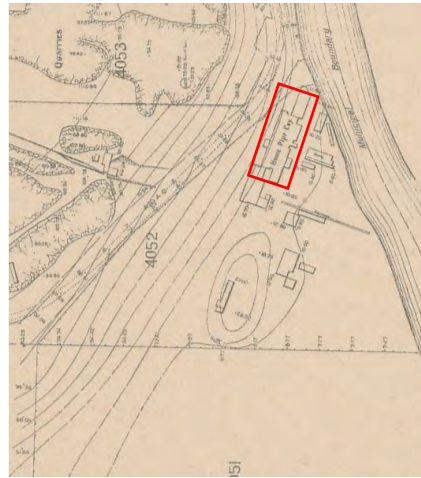


Figure B. 1933. Screenshot of 1933 MMBW Plan 204. Source: SLV.



Figure C. 1945. Screenshot of Department of Lands and Survey Aerial Survey of Victoria, 848 B2A (zone 7). Source: mapshare.vic.gov.au.

Rationale for the extent of registration

The recommended extent of registration comprises all of the place shown hatched on Diagram 1503 encompassing part of Allotment 8A Section of 21 Parish of Cut Paw-Paw with the southern boundary being a straight line parallel to the lot boundary by a distance of 130 metres. The other two boundaries follow the lot boundaries.

This extent has been chosen as it is considered appropriate to provide a setting for the buildings and an understanding of their relationship to one another as well as to the Maribyrnong River. The southern extent boundary is 130 metres north of the parcel boundary, as the land to the south does not appear to have been part of Raleigh's boiling down works, the meat preserving works, or the Humes period of occupation, as can be seen on figures A, B and C above, which show the site in c.1860, 1933, and 1945 at the height of the Humes Pipeworks period. The northernmost buildings have been outlined in red to give a sense of location.

The land originally owned by Joseph Raleigh extended to the north and east, towards Raleigh Road in the north and covering the land that is now Highpoint Shopping Centre where he operated bluestone quarries. The last of the substantially significant buildings built during the Humes period of occupation was the Top Factory in the 1940s, which falls within the boundaries of Joseph Raleigh's original land holdings. There is also no visual connection between the land in the south and the buildings in the north, as demonstrated by the image above (left), taken from the carpark looking towards the north. The trees and the falling slope from the carpark, and the rising slope to the yard in front of Top Factory result in very low visibility and connection between the northern and southern areas of the site (pictured above).

The southern boundary of the extent is not related to any existing physical features, but it delineates the historically significant industrial use of the site from its modern use as a park. Appropriate specific exemptions have been proposed to balance the industrial significance with the ongoing use as a park.

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), any archaeological features and the two objects integral to the understanding of the cultural heritage significance of the place 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.

Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of the place and objects integral(section 40(3)(c))

Following is the Executive Director's assessment of Pipemakers Park Complex against the tests set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State level threshold for inclusion in the VHR.

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

Step 1 Test for Criterion A

No.	Test	Yes/No	Reason
A1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	The place has a clear association with the following historical themes in Victoria's cultural history: a) <i>Processing raw materials</i> b) <i>Developing a manufacturing capacity</i>
A2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	These themes are of historical importance having made a strong and influential contribution to Victoria. a) The theme 'processing raw materials' relates to the processing of primary produce within Australia for local and export markets. b) The theme 'developing a manufacturing capacity' includes making Australia self-sufficient in manufacturing, producing for export markets, and developing specialised industries.
A3)	Is there evidence of the association to the event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	There is evidence of the association between the place and these historical phases: a) The complex is a memorial to one of Australia's pioneer industrial enterprises - meat canning. Its establishment at Maribyrnong was followed by the formation of other meat preserving companies at Footscray, Colac, Warrnambool, Echuca and Ballarat in the meat canning boom of the 1870s. Pipemakers Park Complex was also the location of the first venture of the Australian frozen meat export company, which developed the Victorian export trade in frozen meat and was for a time in the early 1880s the largest exporter of frozen meat in Australia. b) This site was the location of several significant historical industrial enterprises including an early boiling down works, railway engineering foundry, one of Australia's earliest and largest meat canneries, the first meat freezing works in Australia, and one of the first reinforced concrete pipe making factories in Australia. Evidence of each of these stages can be found in documentary records, surviving structures and archaeological evidence

If A1, A2 and A3 are all satisfied, then Criterion A is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion A is likely to be relevant.
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Step 2 State-level test for Criterion A

No.	Test	Yes/No	Reason
SA1)	Does the place/object allow the clear association with the event, phase, period, process, function, movement, custom or way of life of historical importance to be understood better than most other places or objects in Victoria with substantially the same association?	Yes	<p>a) The place allows the association with phase a) to be better understood than most other similar places.</p> <p>b) The place allows the association with phase b) to be better understood than most other similar places.</p> <p>The Pipemakers Park Complex allows the association with the processing of raw materials, and the development of a manufacturing capacity, to be better understood than most other places with a similar association. The arrangement of the buildings according to stages reveals a history of manufacturing processes that were translated and adapted from the meat canning and preserving phases of the site, to the pipe manufacturing phase.</p> <p>The extant tramways and potential archaeological remains of the wharves speak to the movement of goods across the site, between different stages of the process, but also the importance of water transport for the commercial success of these enterprises.</p>

If SA1 is satisfied, then Criterion A is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion A is likely to be relevant at the State level.
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CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Step 1 Test for Criterion C

No.	Test	Yes/No	Reason
C1)	Does physical fabric and/or documentary evidence and/or associated oral history or cultural narratives relating to the place/object indicate a likelihood that the place/object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources?	Yes	<p>The:</p> <ol style="list-style-type: none"> 1) physical fabric and 2) documentary evidence <p>relating to the Pipemakers Park Complex do indicate a likelihood that the place contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources.</p> <p>The place includes several areas where former structures, now demolished or removed, may have left archaeological remains (features, deposits and/or objects and artefacts). In some cases, ruinous or remnant site features are visible; other parts of the place have the potential to contain archaeological remains (based on our</p>

understanding of former use, and an assessment of current site condition).

C2)	And, from what we know of the place/object, is the physical evidence likely to be of an integrity and/or condition that it could yield information through detailed investigation?	Yes	<p>From the available evidence, the place is likely have a high level of archaeological integrity.</p> <p>Some key historical archaeological features include remnants of Bottom Factory, office, caretaker's residence and crushing plant.</p> <p>Archaeological investigations in the mid-1990s uncovered remains of machinery beds, including metal fittings at the site of the original boiler house and testing room. Remnant tracks and sleepers for the narrow-gauge tramways used around the site have been unearthed, buried 30-40cm below current ground level.</p> <p>The area of the former slab factory and steam chambers has a high level of archaeological potential since the area was cleared by 1970 and planted with native trees. At the site of the demolished slaughterhouse and pens, the raising of ground level by 1-3 metres in this area means that archaeological remains (including foundations) are highly likely to survive.</p>
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If both C1 AND C2 are satisfied, then Criterion C is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion C is likely to be relevant.
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Step 2 State-level test for Criterion C

No.	Test	Yes/No	Reason
SC1)	Does the information that might be obtained through investigation have the potential to yield knowledge of significance to Victoria?	Yes	<p>The information that might be obtained through archaeological investigation does have potential to yield knowledge of significance to Victoria.</p> <p>The Pipemakers Park Complex contains (and has the potential to contain) historical archaeological features, deposits and artefacts that provide information about the establishment, construction, and use of the place by the Melbourne Meat Preserving Company, the Australian Frozen Meat Export company, and the Humes Pipe (Australia) Company. Archaeological remains are likely to include the remains of industrial site elements including factory foundations and footings, remnant machinery, site infrastructure (including tramways), and the remains of administration and other ancillary buildings.</p>

If SC1 is satisfied, then Criterion C is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion C is likely to be relevant at the State level.
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CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects

Step 1 Test for Criterion D

No.	Test	Yes/No	Reason
D1)	Is the place/object one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's history?	Yes	The Pipemakers Park Complex belongs to the class of industrial complex. This class has a clear association with the following themes in Victoria's history: <i>Processing raw materials</i> <i>Developing a manufacturing capacity</i>
D2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	a) and b) above are historical themes which have made a strong and influential contribution to Victoria. The theme 'Processing of raw materials' has made an influential contribution to Victoria. The theme 'Developing a manufacturing capacity' has made an influential contribution to Victoria. Both historical themes relate to the establishment of Victoria as leading exporters of goods.
D3)	Are the principal characteristics of the class evident in the physical fabric of the place/object?	Yes	The principal characteristics of the class are evident in the physical fabric of the place. The buildings, their construction, and their arrangement are physical evidence of the manufacturing processes that occurred on site, and how the site was developed and repurposed to accommodate changes in use.

If D1, D2 AND D3 are satisfied, then Criterion D is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion D is likely to be relevant.
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Step 2 State-level test for Criterion D

No.	Test	Yes/No	Reason
SD1)	Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?	Yes	The Pipemakers Park Complex is a notable example of the class of industrial complexes. The place contains architecture associated with three different phases of industry across the site, and associated characteristics of fireproof construction techniques. The place demonstrates the important locational factors of sea transport via navigable rivers. The more vernacular construction of Top Factory contrasts with the robust bluestone buildings to demonstrate the competing tensions of Humes' Pipe Making Factory between expansion and economic stringency due to difficulties caused by war time austerity and post-war shortages.

If SD1 is satisfied, then Criterion D is likely to be relevant at the State level

Executive Director's Response:

Yes

Criterion D is likely to be relevant at the State level.

Objects Integral

Definition

The definition of an 'object' can be found in the Heritage Council's *Policy: Objects Integral to a Registered Place*. It should be noted that fixtures (such as window frames or decorative masonry) automatically form part of the registered place and are therefore protected under the Act.

Background

In 2024 an Artefact Assessment was prepared by Gary Vines on behalf of the City of Maribyrnong to evaluate the discarded objects in the Top Factory. Most were found to be of a low level of significance or were not related to the Pipemakers Park Complex.

Objects integral

The objects integral located at the Pipemakers Park Complex consist of two items. More details about these objects are listed at the end of this report.

Assessment of whether the objects are integral to understanding the cultural heritage significance of a registered place (40(3A)(b))

The Heritage Council's *Policy: Objects Integral to a Registered Place* notes that for the purposes of the Act, an object will be considered integral to a place if it satisfied the following tests:

No.	Test	Yes/No	Reason
1.	Does the object/s form a key part of that place, being a component in its design, operation or use that contributes importantly to a richer and more complete understanding of its historical, cultural, technical, aesthetic and/or social meaning at a State level?	Yes	The two objects integral relate to the Humes pipe works period at the site and offer further understanding of the pipe making processes. The pipe testing machine and Tattslotto incident board would have been used daily and contribute to a more complete understanding of the labour conditions and tools that Humes' workers experienced.
2.	Can the contribution be substantiated through physical, documentary or oral evidence?	Yes	The registered objects integral are part of the collection of the Living Museum of the West and were found on site in the Top Factory yard. The artefact assessment from Gary Vines also substantiates the contribution of these objects to the cultural heritage significance of the place.

Executive Director's Response

The objects can be considered integral to the place

Summary of how the object is integral to understanding the cultural heritage significance of the place (40(4)(b))

The two objects integral offer a richer understanding of the Humes period of occupation at the site. As mentioned previously, the only remaining building at the site that was purpose built for pipe making is the Top Factory, which is in poor condition. The pipe testing machine contributes to historical narratives about machinery used by workers in the pipe making process, and the Tattslotto 'days without lost time incident' board contributes to an understanding of labour conditions, and the risks involved in the pipe making process.

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

Statement of significance

What is significant?

Pipemakers Park Complex, including the three historic bluestone buildings used as factories, and the former Humes Top Pipe Factory. The site demonstrates four different phases of industrial use commencing with Raleigh's Boiling Down Works (1848-c.1853), followed by the Melbourne Meat Preserving Company (1868-86), the Australian Frozen Meat Export Company (1880-82), and the Hume Pipe Company (1912-78) which manufactured concrete pipes.

How is it significant?

The Pipemakers Park Complex is of historical, archaeological 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 C

Potential to yield information that will contribute to an understanding 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?

The Pipemakers Park Complex is historically significant as an outstanding example of a nineteenth century industrial site that represents four historic industries of great importance to Victoria. Raleigh's Boiling Down Works (1848-c.1853) was the first large scale meat processing works in Victoria. This was followed by the establishment of the Melbourne Meat Preserving Company (1868-86), the largest and most successful meat canning enterprise in Australia, instigating the formation of other meat preserving companies at Footscray, Colac, Warrnambool, Echuca, and Ballarat. The Australian Frozen Meat Export Company (1880-82) was the first commercial frozen meat export factory in Australia. The final phase of industry at the site, the Hume Pipe Company (later Humes Ltd., 1912-78), was one of the first two factories manufacturing centrifugally spun reinforced concrete pipes in Australia. The extant built forms provide a chronology of industrial development in the western suburbs of Melbourne, highlighting significant exports of both Australian-made products and technologies. [Criterion A]

The Pipemakers Park Complex is archaeologically significant for the evidence the complex contains about the various stages of use of the site. With most of the industrial buildings demolished, these archaeological remains provide important evidence of the scale and activity of the various factories which operated on site. For example, proven and significant archaeological evidence has been found of the original boiler house, Humes testing lab, and tramways. [Criterion C]

The Pipemakers Park is significant as a notable example of a nineteenth century factory complex. The collection of bluestone buildings is one of the largest mid to late nineteenth century industrial complexes in Victoria, and one of only a handful of bluestone factories reflecting the locational availability of the local stone. The open plan factory is split level in the main building, with segmented arches and columns. The iron truss roof in the 1874 building could be original. It is an interesting adaptation of English industrial design, notable for its use of fire-proof construction technology. The monumental bluestone buildings of the Melbourne Meat Preserving Company provide a stark contrast to the functional architectural considerations of the later Humes Pipeworks Buildings. [Criterion D]

Recommended permit exemptions under section 38

Introduction

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

Permit Policy

The 1996 Pipemakers Park Conservation Analysis prepared by Olwen Ford and Gary Vines provides a useful starting point for understanding the cultural heritage significance of the place. It is recommended that the Conservation Analysis is updated to reflect current site conditions and management needs.

The place's cultural heritage significance relates to its previous use for industry. The current and ongoing use of the place for passive recreation is supported. It is recognised that a degree of change may be necessary to maintain this use.

Permit Exemptions

General Exemptions

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

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 Exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Pipemakers Park subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions

and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.

5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the Act must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.


Conditions


1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Secretary (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

1. Repair and maintenance of mosaics, fencing and pergolas in the History Garden.
2. Maintenance and removal of all vegetation and planting of new vegetation provided that new trees are located no closer than twenty metres to any historic building or structure.
3. All pruning and removal of trees.
4. Repairs, maintenance and removal of freestanding buildings constructed after 1979.
5. Installation of wayfinding signage more than five metres from heritage buildings.
6. Removal of modern toilet facilities and construction of new facilities within the same footprint.

Objects integral to the cultural heritage significance of the place

Object number, name, & date:	1. Pipe Testing Machine
Current location:	Top Factory yard.
Image	 <p>2024. Pipe testing machine. Source: Top Factory Artefacts Assessment, Biosis Pty Ltd and Gary Vines.</p>
Description of the nature of relationship between object and place	The pipe testing machine contributes to historical narratives about machinery used by workers in the pipe making process. The pipe testing machine was used in the pipe making process. It is historically significant for its association with the operation of the Hume Pipe company, which was innovative in the invention and production of centrifugally-spun reinforced-concrete pipes at a global level, and important in supplying pipes throughout Australia and overseas.
Condition (if known)	Fair. Signs of corrosion from being left in the Factory yard.

Object number, name, & date:	2. Tattslotto incident board
Current location:	Top Factory yard.
Image	 <p><i>2024. Tattslotto incident board. Source: Top Factory Artefacts Assessment, Biosis Pty Ltd and Gary Vines.</i></p>
Description of the nature of relationship between object and place	The Tattslotto 'days without lost time incident' board contributes to an understanding of labour conditions, and the risks involved in the pipe making process. It relates to the group of post war migrant workers at the factory, for whom the factory was a significant influence in their lives.
Sources:	Top Factory Artefacts Assessment, Biosis Pty Ltd and Gary Vines
Condition (if known)	Fair. Paint is faded and there is some graffiti.

Existing registration details

Existing extent of registration

Amendment of Register of Government Buildings

Sunshine City

Former Melbourne Meat Preserving Company Buildings, Van Ness Avenue, Maidstone (Humes Pipes Site - the bluestone and part bluestone buildings on land within Certificates of Title Volume 9323 Folio 300 and Volume 9193 Folio 001).

[*Victoria Government Gazette* No. G39 12 October 1988 p.3094]

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

1. The complex is a memorial to one of Australia's pioneer industrial enterprises - meat-canning - which was an example of advanced technology in 1868. Its establishment at Maribyrnong was followed by the formation of other meat preserving companies at Footscray, Colac, Warrnambool, Echuca and Ballarat in the meat canning boom of 1869-187?

In the 1870s the Maribyrnong works was described as "one of the largest factories of its kind in Australia," (*Argus* 26 February 1870, p.7) and even in the world (*Argus* 6 October, 1874, p6).

2. It was the location of the first ventures of the Australian frozen meat export company, which developed the Victorian export trade in frozen meat and was, for a time in the early 1880s, the largest exporter of frozen meat in Australia.

3. It was an early example of a major Australian factory complex, built of bluestone (rubble) it was an open plan factory, split level in the main building with segmented arches and columns. The iron truss roof in 1874 building could be original. It is an interesting colonial adaptation of English industrial design.

4. The buildings have national significance also, as part of the Humes complex since the First World War. Described as "the largest manufacturers of steel re-enforced concrete pipes in Australia" (*Sunshine Cavalcade*, 1951, p77), Humes is a concern which has played a very important part in the industrial development of Australia.

5. The factory and its site are an important part of the history of Melbourne, especially industrial development in the western suburbs.

6. A number of leading Melbourne merchants, stock and station agents, as well as pastoralists were the financiers founded the meat preserving works.

7. The company's works were originally built and designed by a Melbourne civil engineer and its machinery was originally supplied by a Melbourne firm (except for the boiler which was from Glasgow).

[*Source: National Trust of Victoria.*]

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, object or land 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.