

# Statement of Recommendation from the Executive Director, Heritage Victoria

## Kanagulk Railway Bridge

Off Natimuk-Hamilton Road, Kanagulk and Balmoral, Horsham  
Rural City and Southern Grampians Shire

Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk Country



## Executive Director recommendation

Under section 37 of the *Heritage Act 2017* (**the Act**) I recommend to the Heritage Council of Victoria (**Heritage Council**) that the Kanagulk Railway Bridge, located off Natimuk-Hamilton Road, Kanagulk and Balmoral, Horsham Rural City and Southern Grampians Shire is not of State-level cultural heritage significance and should not be included in the Victorian Heritage Register (**VHR**).

I suggest that the Heritage Council determine that:

- the Kanagulk Railway Bridge is not of State-level cultural heritage significance and should not be included in the VHR in accordance with section 49(1)(b) of the Act
- the recommendation and any submissions be referred to the relevant planning authority to consider the inclusion of the place or part of the place in a planning scheme in accordance with section 49(1)(c)(i) of the Act.



**STEVEN AVERY**  
Executive Director, Heritage Victoria

**Date of recommendation: 18 August 2025**

## Explanatory note to readers

The system of [heritage protection in Victoria](#) essentially operates at two levels.

Most heritage places in Victoria will be important at a local level to particular communities. These heritage places may be appropriate for protection by local government by means of a Heritage Overlay under the local planning scheme.

A much smaller percentage of places and objects will be important at a State level. This means that they tell an important story in the history of Victoria, rather than the history of their local area or region. Places and objects of State-level cultural heritage significance may be considered for inclusion in the VHR under the Act.

The very high benchmark or 'threshold' for inclusion in the VHR is demonstrated by the fact that as of March 2024, there were just over 2,360 places of State-level significance included in the VHR. This compares to over 19,000 places of local-level importance protected by Victoria's 79 councils in Heritage Overlays. In other words, roughly 10% of Victoria heritage places were protected at a State-level by inclusion in the VHR compared with 90% being protected by local government.

Heritage Victoria's responsibility is to assess whether a place or object is of cultural heritage significance at the State level. Heritage Victoria cannot assess or advise as to whether a place is of local-level significance, this being a matter for local government.

This current process under the Act has been initiated to establish whether the place or object is of cultural heritage significance to the State of Victoria. Any recommendation or finding should not be seen to detract from or diminish any significance that the place or object may otherwise retain, particularly at the local level.

More information about heritage protection in Victoria can be found on the [Heritage Council website](#).

## 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 the end of this report.

## Background

In June 2025, the Executive Director and the Heritage Council received requests for an Interim Protection Order (IPO) for the Kanagulk Railway Bridge.

The IPO requests were prompted by a proposal to remove about 30-metres of the bridge where it spans the Glenelg River.

The bridge is located on the former Hamilton to Noradjuha railway line which was closed in 1979 with the railway tracks being subsequently lifted. The bridge is approximately 160 metres long. As the railway line has not been operational for several decades, the bridge has not been regularly maintained.

The section of the bridge that sits over the Glenelg River had been fenced to prevent public access, as its condition, in particular the section over the waterway, presented a potential safety risk. To prevent people using the bridge to cross the river, and to eliminate the risk of the bridge collapsing and polluting the waterway, VicTrack had planned to remove the 30-metre section of the bridge across the river (ie, just under 20 per cent of the total length of the bridge).

On 18 June 2025, the Heritage Council issued an IPO for the place. An IPO has the effect of including a place or object in the VHR for a period while a cultural heritage significance assessment is undertaken. It requires the Executive Director to recommend whether or not the place should be included in the VHR within 60 days. This report constitutes the recommendation.



# Terminology

The following terminology has been drawn from the Heritage Victoria (2024) *Technical Note 7 Floods and Heritage: Timber Bridges*.

Name	Other names	Description
Brace	Bracket	Single diagonal member attached across piles and located between the crosshead and the wale. On high bridges, there may be several levels of braces and wale beams
Cross Brace		Two crossing braces.
Crosshead	Headstock, Cap	Round or square edged member connecting the tops of the piles, parallel to the bank, which transfer vertical and horizontal loads from girders and corbels down to the trestles.
Deck	Floor	The upper trafficable surface of a bridge.
Pile	Post	These are round posts set in the riverbed or in the ground below the bridge. Outer piles are generally set at an angle (pile batter).
Pile Batter	1:6	The angle at which a pile is installed at an angle (raked)
Raker Pile		Outer pile which is installed at an angle (raked), refer to 'pile batter'.
Stringer	Notch stringer, Beam, Girder	Round or square edged horizontal timber member located perpendicular to the bank, connecting each trestle.
Trestle	Pier, Bent	Two (double) or four (quad) piles connected by a crosshead at the top of the piles and with braces and wales below the Crosshead. Each trestle is connected at the outer edge by timber stringers or steel girders.
Wale	Wailer	Horizontal beam fastened across all the piles in a trestle below each level of braces, working with crossheads and braces to distribute horizontal load.

## Diagram of bridge members



2011. Background image from the National Trust  
(note that this photo is more than a decade old and does not reflect the current condition of the bridge).

## Description

The following is a description of the Kanagulk Railway Bridge at the time of the site inspection by Heritage Victoria in July 2025.

The bridge is located over the Glenelg River and floodplain. Directly north of the bridge is Fulham Homestead (VHR H0476), and to the south are the remnants of the second shorter Kanagulk timber trestle bridge on the Kanagulk section of the now closed railway line (closed in 1979).

The bridge is situated amongst a timbered setting of river red gum trees, from which the timber members of the bridge were cut. The availability of conveniently located native bush timbers was a factor in deciding where to locate a railway to connect Portland to the Wimmera region. It was common practice to use nearby, locally available native bush timbers for the construction of these timber trestle railway bridges.

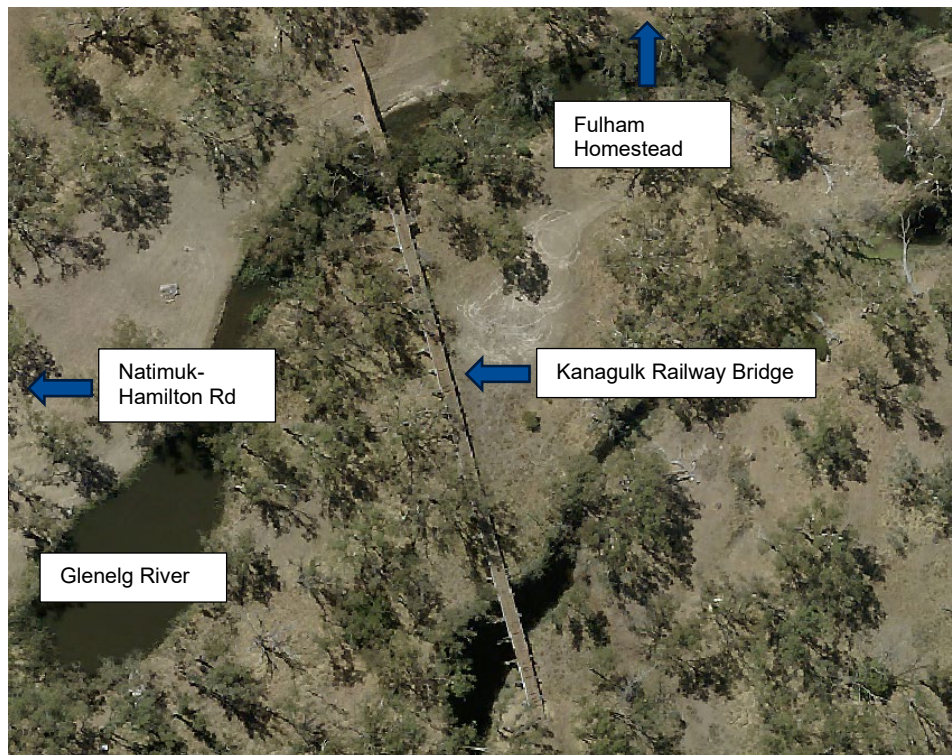
The bridge crosses the river at two points, reaching its maximum height at the northern end of the bridge, closer to Fulham Homestead. The approach to the bridge from the south is comprised of earth embankments, along which the rail track would have run.

The timber pile-and-stringer trestle bridge is based on the Victorian Railways standard designs for timber trestle bridges. The bridge is comprised of 31 spans, with approximately 160 metres of transverse longitudinal decking. The span lengths vary; 26 are standard 15-feet (4.6 metre) spans and 5 standard 20-feet (6.1 metre) spans. Longer distances and the flood conditions of the Glenelg River necessitated the use of these larger spans. Beneath the longitudinal decking, four longitudinal stringers run perpendicular to the pier crossheads.

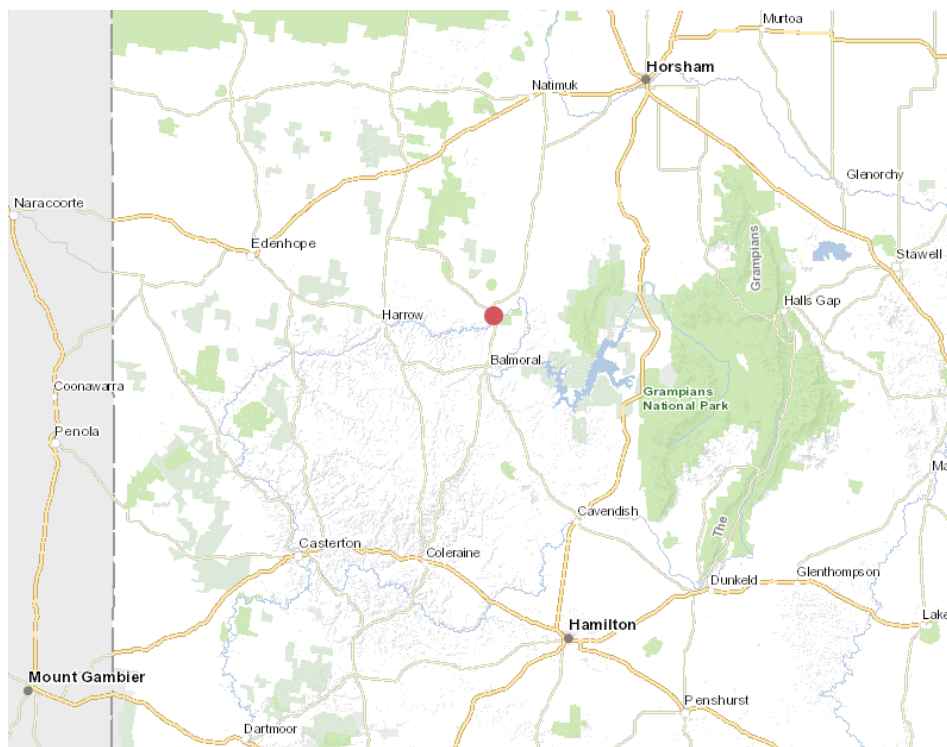
Each trestle is comprised of four piles. The inner two piles are upright, and the outer piles — sometimes known as raker piles — are driven at an angle. The four piles are connected by the crosshead at the top of the trestle. Beneath the cross head, running from the top right corner of the trestle to the bottom left corner, is the cross brace, which is also replicated on the back of the trestle. On the taller trestles at the northern end of the bridge, a wale is fastened across all four piles to distribute the horizontal loads. The tallest trestles have a second tier of cross bracing beneath the wale.

On some of the piles is a carved marking about halfway down the length that indicates when a pile was replaced. The letter indicates the method of pile renewal (usually either driven or planted), the roman numeral indicates the depth to the foot of the pile and the numbers mark the date (M YY) that the pile was replaced (see image at bottom of page 13).

## Aerials



2022, Aerial view of bridge length, Source: Radius.



2025, Location diagram (bridge indicated in red), Source: Radius.



## Description images

### Southern approach to bridge



*2025, embankment that forms bridge approach amongst river red gums, Source: Heritage Victoria.*



*2025, bridge viewed from the south, Source: Heritage Victoria.*





*2025, timber pile remains of second bridge south of the Kanagulk Railway Bridge, Source: Heritage Victoria.*



*2025, bridge surface viewed from the embankment, Source: Heritage Victoria.*



## Bridge substructure



*2025, Kanagulk Railway Bridge from the southern end. Source: Heritage Victoria.*



*2025, close up of southern trestles. The two short horizontal beams at right near the sapling are the last remains of a deteriorated timber safety platform. Source: Heritage Victoria.*





2025, wide view of the bridge, Source: Explore Nelson And The Glenelg River Victoria Facebook group.



2025, view of longitudinal stringers above crossheads, Source: Explore Nelson And The Glenelg River Victoria Facebook group.





2011, northern end of the bridge with taller trestles and closer to Fulham Homestead, Source: National Trust.



2025, bridge abutment on southern end, Source: Heritage Victoria. 2025, Markings on pile that detail replacement, Source: Heritage Victoria.



## History

### Timber bridges in Victoria

Many river crossings were still without a bridge when the goldfields traffic began to spread across the colony of Victoria in the 1850s.

The earliest timber bridges in Victoria were based on a European tradition, and these timber bridges were generally considered temporary placeholders for masonry, brick or iron bridges.

Timber trestle railway bridges have their roots in American rather than British engineering traditions. In America, intricate timber-truss railway bridges were used over waterways as temporary substitutes for expensive earthen embankments. The conditions in America, and in Victoria, favoured the construction of more economical timber trestle bridges because of smaller populations, spread across longer distances. The British model of masonry and iron bridges was based on a smaller land mass, with more populated industrial centres.<sup>1</sup> By 1871, there was mounting pressure on Victorian Railways engineers to consider the more economical, American timber-bridge building tradition.

In the early 1880s, with Victoria's economy in boom, there was pressure from farming communities to build new branch lines to serve small, rural communities. The passing of two Acts of Parliament in 1880 and 1884— known as the 'Octopus Acts' for the sprawling tentacle-like railway lines they produced— effectively doubled the track length of the Victorian Railways by 1892. This large-scale construction of small branch lines lent itself to widespread use of timber bridges as construction funds began to shrink and skilled labour for the construction of masonry bridges grew more expensive.

### The Hamilton-East Natimuk line

As early as the 1880s, there were discussions of a north-south railway to open up the wheat growing regions of the Wimmera and Mallee to the rest of the State. However, the 1890s Depression drew Victoria's railway construction program to a halt. When the construction of railway lines resumed at the beginning of the twentieth century, there was a renewed focus in the northwest of the State.

A Hamilton-East Natimuk line was never planned as a single entity by the Victorian Railways. The railway line evolved gradually eventually linking the Wimmera and Mallee with Portland via Horsham, Balmoral and Hamilton.<sup>2</sup> The first section of what was to become the Hamilton-East Natimuk line was extended from East Natimuk southward to Noradjuha in 1887 and was subsequently extended to Toolondo in 1912. At the southern end of the line, a line was constructed from Hamilton northward to Cavendish in 1915.<sup>3</sup>

In February 1914, the *Cavendish to Toolondo Railway Construction Act 1914* authorised the construction of a railway line from Cavendish to Toolondo being the missing link in a railway that was to connect Horsham with Hamilton via Balmoral. As with other railways of this period, construction was slowed by wartime shortages. In 1916, it was reported that construction of the Kanagulk Railway Bridge had stopped, despite the ready availability of timber, because there were no iron rails available.<sup>4</sup> When construction resumed, some of the track was laid with repurposed rails.<sup>5</sup>

At the time that the Kanagulk Railway Bridge was being built, it was envisaged that it would become a key link in the more significant north-south link railway to connect the Wimmera and Mallee wheat regions with the shipping of Portland Harbour, via Hamilton. While the Kanagulk Railway Bridge was completed in 1917, the Cavendish to Toolondo line was not completed until 1920.<sup>6</sup>

By the time the Hamilton to East Natimuk line was fully operational in 1920, the days of transporting grain along this line to Portland were numbered. In 1934, the establishment of the Grain Elevators Board would eventually divert wheat from the Wimmera and Mallee regions to Geelong for bulk-wheat storage and transportation, removing the need for the rail link to Portland.

As a passenger service, the Hamilton to East Natimuk line never truly functioned as a rail link between Horsham and Hamilton. The line was effectively split into two routes, with passenger services running from Horsham to Balmoral, and from Balmoral to Hamilton. The Horsham-Balmoral passenger service ceased in 1951, followed by the Balmoral-Hamilton

<sup>1</sup> National Trust of Australia (Victoria), *Timber Bridges Study* (National Trust of Australia (Victoria), 1997), 14.

<sup>2</sup> Don Chambers, *Wooden Wonders: Victoria's timber bridges* (Hyland House Publishing Pty Ltd, 2006), 63.

<sup>3</sup> Victorian Railways, *Diagram of Gradients and Curves Book*, (Victorian Railways, 1927) 145-146, [https://www.victorianrailways.net/infastuct/1927\\_gradient\\_book.pdf](https://www.victorianrailways.net/infastuct/1927_gradient_book.pdf).

<sup>4</sup> "WIMMERA TO SEABOARD," *Hamilton Spectator* (Vic.: 1870-1918), March 30, 1916, <http://nla.gov.au/nla.news-article133695921>.

<sup>5</sup> "Toolondo-Cavendish Railway," *Portland Guardian* (Vic.: 1876-1953), December 20, 1918, <http://nla.gov.au/nla.news-article63957401>.

<sup>6</sup> "Cavendish to Toolondo," *The Horsham Times* (Vic.: 1882-1954), November 2, 1920, <http://nla.gov.au/nla.news-article73179354>.

service in 1955. Freight services ceased in 1979 when the line was officially closed. For most of its existence, the Hamilton to East Natimuk line functioned as a series of shorter local lines.

Since the closure of the Hamilton-East Natimuk line, the Kanagulk Railway Bridge has fallen into disrepair. Without routine maintenance and replacement of the timber members, the bridge has significantly deteriorated. The timber deck of the second railway bridge at Kanagulk, to the south of the Glenelg River crossing, was destroyed some years ago in seasonal burning-off activities (see image at top of page 10).

## Selected bibliography

Chambers, Don. 2006. *Wooden Wonders: Victoria's timber bridges*. Hyland House Publishing Pty Ltd.

GJM Heritage. 2024. *The Victorian Railways: A Thematic History*. Prepared for Level Crossing Removal Project.

*Hamilton Spectator (Vic.: 1870-1918)*. 1916. "WIMMERA TO SEABOARD." 30 March. <http://nla.gov.au/nla.news-article133695921>.

*Hamilton Spectator (Vic.: 1870-1918)*. 1918. "CAVENDISH RAILWAY." 20 December. <http://nla.gov.au/nla.news-article225299890>

*The Horsham Times (Vic.: 1882-1954)*. 1920. "Cavendish to Toolondo." 2 November. <http://nla.gov.au/nla.news-article73179354>.

National Trust of Australia (Victoria). 1997. *Timber Bridges Study*. National Trust of Australia (Victoria).

National Trust of Australia (Victoria). N.d. *Classification Report: Fulham Railway Bridge*.

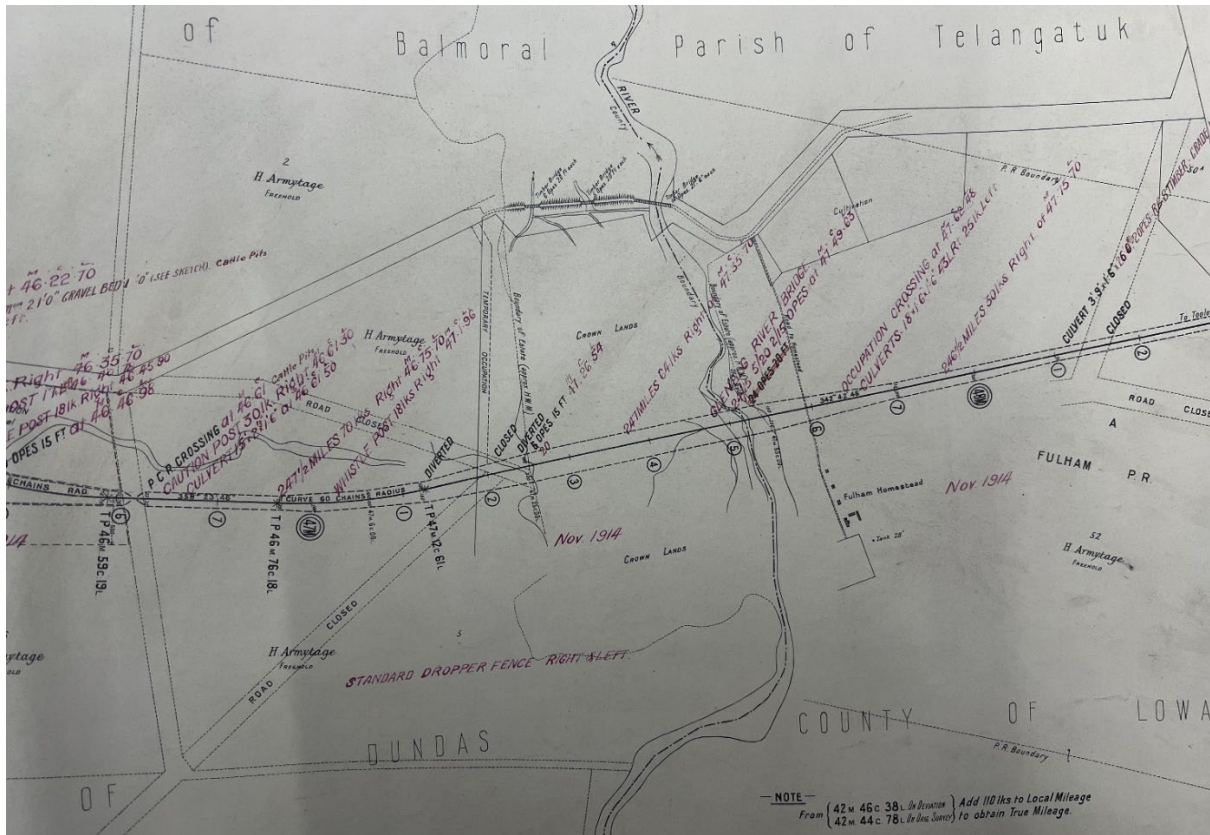
*Portland Guardian (Vic.: 1876-1953)*. 1918. "Toolondo-Cavendish Railway." 20 December. <http://nla.gov.au/nla.news-article63957401>.

Victorian Railways. *Diagram of Gradients and Curves Book*. Victorian Railways, 1927. [https://www.victorianrailways.net/infastuct/1927\\_gradient\\_book.pdf](https://www.victorianrailways.net/infastuct/1927_gradient_book.pdf).

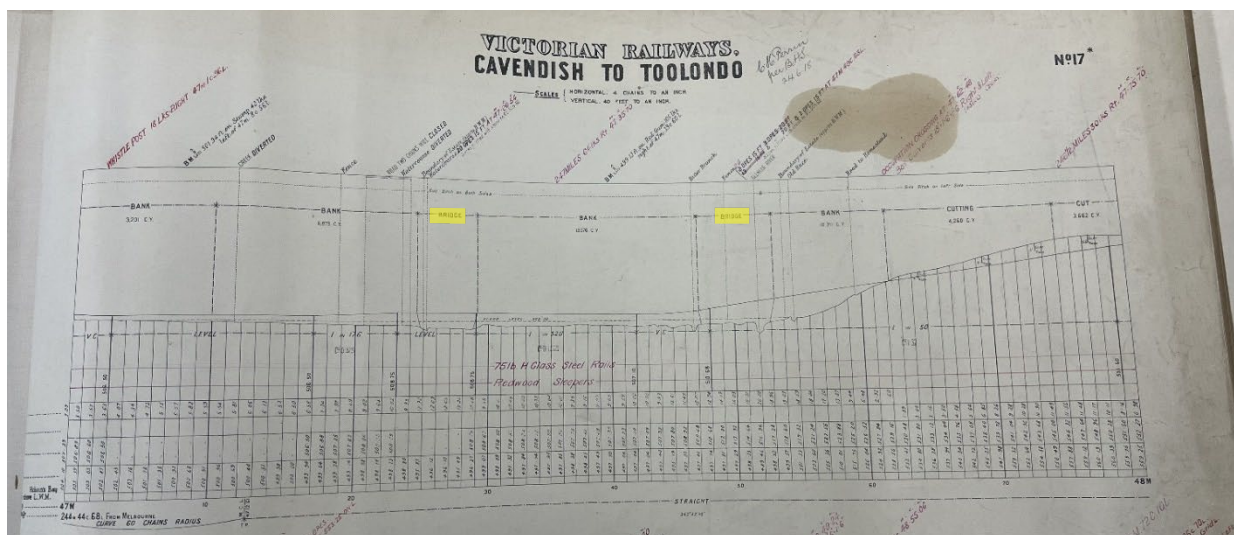
## Historical images



2023. Map showing extent of State-wide railway network by 1920. Source: GJM Heritage.



1914, From Victorian Railways Cavendish to Toolondo Plan and Section book showing the surrounds including nearby road bridge and Fulham homestead, Source: PROV.



1914, Victorian Railways section book showing the two Kanagulk bridges (highlighted), Source: PROV.



## Further information

### Traditional Owner Information

The Kanagulk Railway Bridge is located on the land and waters of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk peoples.

Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Barengi Gadjin Land Council 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).

On 13 December 2005, Native Title was determined to exist for the first time in Victoria for the people of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk peoples of the Wimmera and Southern Mallee.

### Victorian Aboriginal Heritage Register

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

(July 2025)

### Integrity

The integrity of the place is good. The cultural heritage values of the Kanagulk Railway Bridge can be easily read in the extant fabric.

The bridge is still legible as a railway bridge, despite the railway line being closed in 1979. The large embankments that form the bridge approach give a strong sense of where the railway corridor once existed, even though the tracks have since been removed.

(July 2025)

### Intactness

The intactness of the place is good.

The bridge has had minimal alteration. Piers were replaced in the mid-twentieth century prior to the railway line being closed. The timber safety platform on the southern end has decayed to the point of being unrecognisable (see below).

(July 2025)

### Condition

The condition of the Kanagulk Railway Bridge is poor.

The request for an Interim Protection Order was made in response to VicTrack advising that demolition of a 30-metre section of the bridge would occur. Sections of the bridge are dangerous and in a state of decay.

(July 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



*April 2025, Kanagulk Railway Bridge current condition at the northern (Fulham Homestead) end of the bridge, Source: Explore Nelson And The Glenelg River Victoria Facebook Group*



*April 2025, Kanagulk Railway Bridge current condition, Source: Explore Nelson And The Glenelg River Victoria Facebook Group*

## Other information

### Heritage Overlay

There is no Heritage Overlay for the place.

A 2022 *Heritage Study Review* by Landmark Heritage recommended places for addition to the Horsham Planning Scheme Heritage Overlay. A citation was prepared for the timber trestle railway bridge which identified the bridge as having met Criterion A (historical significance), Criterion B (rarity), Criterion D (importance in demonstrating the principal characteristics of a class) and Criterion F (technical significance) at a local level. The bridge was recommended for heritage protection in the planning scheme but was not recommended for protection in the VHR. The 2022 Heritage Citation Report for the Timber Trestle Railway over the Glenelg River does not suggest that the place is likely to meet the State-level threshold for any of these criteria.

### Other relevant planning scheme overlays

There are no other planning scheme overlays for the place.

### Other Listings

The Kanagulk Railway Bridge was classified by the National Trust as being of potential State significance in 1998. This classification is based on the National Trust (1997) *Timber Bridges Study*. The study utilised a computer database to record data on over 2000 timber bridges in Victoria, which included over 500 timber rail bridges, 130 of which were proposed to be of State-level significance. The study does not establish a particularly discerning threshold for State-level significance, so reasons for classification vary from particularly long or tall examples to typical or representative examples.

### Other Names

The Kanagulk Railway Bridge is also sometimes referred to as the Fulham Railway Bridge.

### Date of construction/creation

1917

**Architect/Builder/Designer/Maker**

Victorian Railways (Railway Construction Branch).

**Architectural style**

Vernacular

## Statutory requirements under section 40

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

The Executive Director recommends that the Kanagulk Railway Bridge is not included in the VHR.

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

**Name:** Kanagulk Railway Bridge

**Location:** Off Natimuk-Hamilton Road, Kanagulk and Balmoral, Horsham Rural City, Southern Grampians Shire

### Location diagram





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

Following is the Executive Director's assessment of the Kanagulk Railway Bridge 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 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 development of the railway network in Victoria.
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	<p>This phase is of historical importance, having made a strong and influential contribution to Victoria.</p> <p>Following the construction of major regional stations in the 1860s, there was an urgency to continue rail construction in the 1870s to facilitate transport of both passengers and goods. By the 1880s, demand for regional rail networks continued, and the <i>Railway Construction Act 1880</i> and <i>Railway Construction Act 1884</i>, nicknamed the 'Octopus Acts' for the sprawling railway lines. The Depression of the early 1890s halted construction until railway expansion could be undertaken for less cost. Railway construction peaked in the mid-twentieth century when road transport began to overtake rail.</p> <p>The development of these networks has made a strong and influential contribution to Victoria as they provided transportation for historically important industries such as wheat, agriculture, and manufacturing, as well as valuable passenger links. By 1930, the network had expanded so all populated areas of the state were within eight miles (or 13km) of a railway.</p>
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 this phase. The Kanagulk Railway Bridge was built in 1917, reflecting the return to normal railway construction after the 1890s Depression. The use of timber bridges on the Cavendish to Toolondo railway line reflects the practice of timber bridge construction on rural branch lines, where the line was unlikely to yield the financial return required to construct masonry or iron bridges.

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 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?	No	<p>The place does not allow the association with the phase above to be better understood than most other similar timber trestle railway bridges.</p> <p>The development of the Victorian Railway network was rapid and widespread across the State. While the Kanagulk Railway Bridge is an example of the demand for small branch lines between rurally located populations, it does not allow this phase of railway construction to be better understood than most timber trestle railway bridges, or other examples of railway infrastructure from the same era, of which there are numerous surviving examples. It is of average construction, length, and height when compared with the timber trestle bridges that were built during periods of railway development. It is of historical interest as a demonstration of the Victorian Railways' attempts to economise bridge construction in the wake of the economic conditions of the day, but this is reflected in all timber bridges, which were a design introduced to reduce material and labour costs.</p> <p>More broadly, places such as Murrayville Railway Station (VHR H1580) and Manangatang Railway Station Complex (VHR H1576) also have the same historical associations with the development of the railway network, and efforts to complete the network in the early twentieth century. These stations share similar themes about the construction of railway lines to open up the Mallee and Wimmera regions, and the economic considerations that influenced the Victorian Railways construction when compared with opulence and extravagance of construction in the boom years.</p>

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

Executive Director's Response:	No	Criterion A is not likely to be relevant at the State level.
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## CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

### Step 1 Test for Criterion B

No.	Test	Yes/No	Reason
B1)	Does the place have a clear association with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history?	Yes	As above, the place has a clear association with the development of the railway network in Victoria.

<b>B2)</b>	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	As above, there is evidence of the association between this phase and the Kanagulk Railway Bridge.
<b>B3)</b>	Is there evidence that place is rare or uncommon, <u>or</u> has rare or uncommon features?	No	<p>B3(i) There is no evidence that the place is rare or uncommon.</p> <p>The Kanagulk Railway Bridge belongs to a common place type in Victoria. There are many timber trestle railway bridges with largely similar designs in Victoria.</p> <p>While the timber trestle bridge class is at risk due to their obsolescence as a result of the closure of these railway lines in the post-war era, and subsequently the timber used in construction reaching end of life and no longer being maintained, the class is still a reasonably common typology along former rural railway lines.</p> <p>B3(ii) There is no evidence that the place has rare or uncommon features.</p> <p>The features of the place are not rare or uncommon. Timber trestle rail bridges built by the Victorian Railways were produced to standard designs, meaning the features of this railway bridge are largely similar to those produced elsewhere. The timber railway safety platform is one such feature, that has been replicated elsewhere. Small variations, such as slightly differing trestle layouts, or the type of native bush timber, do not constitute rarity.</p>
<b>If B1, B2 AND B3 are satisfied, then Criterion B is likely to be relevant (but not necessarily at the State level)</b>			
Executive Director's Response:		No	Criterion B is not likely to be relevant.

## 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
<b>C1)</b>	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?	No	<p>The:</p> <ol style="list-style-type: none"> <li>1) physical fabric and</li> <li>2) documentary evidence and</li> <li>3) associated oral history or cultural narratives.</li> </ol> <p>relating to the Kanagulk Railway Bridge do not indicate a likelihood that the place contains evidence of cultural heritage significance that is not currently visible or well understood or available from other sources.</p> <p>The historical narratives of this bridge are already well understood due to the documentary evidence available that tells the story of the Victorian Railways. Information about the materiality, construction and the topography is already understood through the documentary evidence.</p>

<b>C2)</b>	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?	N/A	The integrity and condition of the place may be good, but it is unlikely to yield information through investigation that is not currently visible and/or well understood or available from other sources (see C1).
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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:	No	Criterion C is not likely to be relevant.
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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
<b>D1)</b>	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 Kanagulk Railway Bridge belongs to the class of timber trestle railway bridge. This class has a clear association with the development of the railway network in Victoria.
<b>D2)</b>	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	As described above at Criterion A, this phase is of historical importance.
<b>D3)</b>	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 principal characteristics of the class include the timber four pile trestles with timber crossheads and bracing, supporting timber girders and decking over a waterbody.

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
<b>SD1)</b>	Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?	No	The Kanagulk Railway Bridge is not a notable example of the class of timber trestle railway bridges.  While the bridge displays the principal characteristics of the class, it was built too late (1917) to be considered influential or pivotal to the refinement of timber trestle bridge design, the principles of which had been established by the 1880s. The designs that were produced in the 1880s have the same principal characteristics, with very



little variation reflected in the example at Kanagulk. The place cannot be considered a fine example because its characteristics are not of a higher quality or historical relevance than is typical of places in this class.

The Kanagulk Railway bridge is built to the standard Victorian Railways trestle bridge design, and there are many comparable bridges across Victoria. It is representative rather than notable. It is not particularly tall or long or curved, compared with examples already included in the VHR.

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

<b>Executive Director's Response:</b>	No	Criterion D is not likely to be relevant at the State level.
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## CRITERION E: Importance in exhibiting particular aesthetic characteristics.

### Step 1 Test for Criterion E

No.	Test	Yes/No	Reason
E1)	Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics?	Yes	The physical fabric of the place exhibits aesthetic characteristics These aesthetic characteristics relate to the setting of the bridge, being interesting structures set amongst a picturesque landscape of tall river red gums, the floodplain and grasses.

**If E1 is satisfied, then Criterion E is likely to be relevant (but not necessarily at the State level)**

<b>Executive Director's Response:</b>	Yes	Criterion E is likely to be relevant.
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### Step 2 State-level test for Criterion E

No.	Test	Yes/No	Reason
SE1)	<p>Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by:</p> <ul style="list-style-type: none"> <li>Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or</li> <li>Critical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/or</li> <li>Wide public acknowledgement of exceptional aesthetic qualities of the place/object in Victoria expressed in publications, print or digital media, painting, sculpture,</li> </ul>	No	<p>There is no evidence that the aesthetic characteristics at the place are 'beyond the ordinary' or are outstanding.</p> <p>While the bridge is mentioned in the National Trust of Australia's 1997 <i>Timber Bridges Study</i>, and is noted only for being "impressive, attractive, long and tall," this does not amount to it having aesthetic qualities that can be considered beyond the ordinary or outstanding.</p> <p>Exclusion guideline XE 4 also notes that being "pretty" or "attractive" or popular is insufficient for the purposes of satisfying this criterion.</p>

songs, poetry, literature, or other media?

If SE1 is satisfied, then Criterion E is likely to be relevant at the State level

Executive Director's Response:	No	Criterion E is not likely to be relevant at the State level.
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## CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

### Step 1 Test for Criterion F

No.	Test	Yes/No	Reason
F1)	Does the place/object contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created?	No	<p>The Kanagulk Railway Bridge does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created.</p> <p>Similar railway bridges have been constructed at numerous locations elsewhere in the state and the example at Kanagulk reflects the Victorian Railways standard design for such bridges, in use since the 1880s.</p> <p>The National Trust's 2006 book <i>Wooden Wonders</i> describes Kanagulk as "the most significant engineering works on the short Toolondo-Kanagulk railway."<sup>7</sup> Although this may be true, in a Statewide context, there is no evidence of the bridge being a technical achievement.</p>
F2)	Does the physical evidence demonstrate a high degree of integrity?	N/A	As above, there is no physical evidence that clearly demonstrates creative or technical achievement.

If both F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion F is not likely to be relevant.
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## CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons

### Step 1 Test for Criterion G

No.	Test	Yes/No	Reason
G1)	Does the place/object demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here:		
i)	Existence of a community or cultural group; <u>and</u>	Yes	There is evidence that communities exist in relation to the place, being those interested in the history of the Victorian Railways and residents in the region.

<sup>7</sup> Chambers, *Wooden Wonders*, 61.

ii)	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	No	There is evidence that members of these communities are familiar with the bridge and its history. This awareness however does not constitute a strong attachment between these communities and the place.
iii)	Existence of a time depth to that attachment.	N/A	
<b>If all facets of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)</b>			
Executive Director's Response:		No	Criterion G is not likely to be relevant.

## **CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.**

### **Step 1 Test for Criterion H**

No.	Test	Yes/No	Reason
H1)	Does the place/object have a direct association with a person, or group of persons who has made a strong or influential contribution in their field of endeavour?	Yes	<p>H1(i) There is a direct association between the Kanagulk Railway Bridge and the Victorian Railways. The Victorian Railways were responsible for planning and building the railway line on which the bridge is located.</p> <p>H1(ii) The Victorian Railways have made an influential contribution to their field as the key government agency responsible for administering the railways.</p>
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	<p>There is evidence of the association between the Kanagulk Railway Bridge and the Victorian Railways.</p> <p>Documentary evidence substantiates this relationship. The markings on bridge piles with dates of replacement also show the continued maintenance by the Victorian Railways until the bridge's closure.</p>
H3)	Does the association relate: <ul style="list-style-type: none"> <li>• directly to achievements of the person(s); <u>and</u></li> <li>• to an enduring and/or close interaction between the person(s) and the place/object?</li> </ul>	Yes	<p>H3(i) The association between the Kanagulk Railway Bridge and the Victorian Railways relates directly to the achievements of the Victorian Railways.</p> <p>The bridge is a remnant of the former Hamilton-East Natimuk railway line. This line was conceived as part of a plan to open up the wheat growing regions of the Wimmera and Mallee to the shipping ports in Portland and Warrnambool.</p> <p>H3(ii) The association relates to an enduring interaction between the Victorian Railways and the Kanagulk Railway Bridge.</p> <p>The Victorian Railways was responsible for the building of the bridge as well as its maintenance from the bridge's construction in 1917 until the closure of the railway line in 1979.</p>

If all facets of H1, H2 AND H3 are satisfied, then Criterion H is likely to be relevant (but not necessarily at the State level)

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

No.	Test	Yes/No	Reason
SH1)	Are the life or works of the person/persons important to Victoria's history?	Yes	<p>The works of the Victorian Railways are important in Victoria's history.</p> <p>The works of the Victorian Railways include the establishment, expansion and operation of the railways in the late nineteenth and early twentieth centuries. The rapid expansion of the railways across far reaching areas of the state, particularly in the Western District promoted closer settlement and agricultural development.</p>
SH2)	Does this allow the association between the person or group of persons and their importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria?	No	<p>The place does not allow the association between the Victorian Railways and their importance in Victoria's history to be readily appreciated more than most other places or objects in Victoria.</p> <p>Victoria has numerous places and objects that demonstrate the achievements of the Victorian Railways. These include large complexes like the Newport Railway Workshops (VHR H1000) and Ballarat Railway Complex (VHR H0902) and objects such as the Heavy Harry Locomotive (VHR H2163). Although it represents some of the Victorian Railways' plans for regional railway development, the Kanagulk Railway Bridge cannot be said to be amongst the most outstanding achievements of the organisation.</p>

If SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level

Executive Director's Response:	No	Criterion H is not likely to be relevant at the State level.
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## Comparisons

The following places have been selected as comparators to the Kanagulk Railway Bridge to show the similarity of timber trestle bridge railway design in Victoria, and to demonstrate the relatively large number of surviving timber trestle bridges and their spread across Victoria. Those that are included in the VHR demonstrate the high bar for State-level cultural heritage significance within the class.

### Timber rail bridges in the VHR

#### NOOJEE RAIL BRIDGE

##### NOOJEE TRESTLE BRIDGE RAIL TRAIL, NOOJEE, BAW BAW SHIRE

###### H1435

The Noojee Rail Bridge was built in 1919 and is of architectural and historical significance to the State of Victoria. It is one of the tallest surviving trestle bridges in Victoria at 21 metres high and is distinctive for its curved alignment. The bridge is comprised of eighteen spans across 102 metres of decking.



2008, Noojee rail bridge, Source: VHD.

#### RAIL BRIDGE

##### OVER STONY CREEK, NOWA NOWA, EAST GIPPSLAND SHIRE

###### VHR H1436

The Rail Bridge over Stony Creek was built in 1916 and is of architectural and historical significance to the State of Victoria. The bridge is a dramatic 27 spans across a single 276-metre-long track, and 18.6 metres tall. It is a notable and intact example of timber trestle bridge construction and is one of the tallest and longest remaining examples in Victoria.



2008, Rail bridge over Stony Creek, Source: VHD.

## RAIL BRIDGE

### MONBULK CREEK, BELGRAVE-GEMBROOK ROAD BELGRAVE, YARRA RANGES SHIRE

#### H1439

The rail bridge over Monbulk Creek was built in 1899 as part of the Ferntree Gully-Gembrook Line, one of four narrow-gauge rail lines built in Victoria between 1899 and 1916. It is of historical significance for its association with the narrow-gauge railways, which were an attempt to economise railway construction because of the 1890s depression.

Architecturally, the rail bridge over Monbulk Creek has all the essential characteristics of a timber trestle bridge including the use of native bush timbers and is also highly distinctive as one of the most curved examples of a trestle bridge in Victoria. It is also associated with Puffing Billy, Victoria's most well-known historical tourist railway.

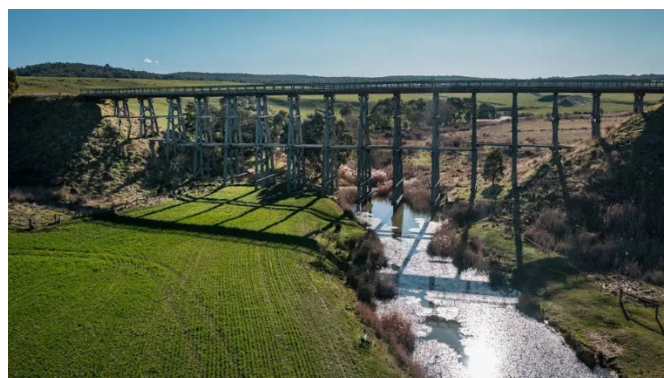


2006, Puffing Billy, Source: Stephen Edmonds, Flickr.

## Timber rail bridges not in the VHR

### SMYTHE'S CREEK RAILWAY VIADUCT 151.3KM MARK ON BALLARAT-SKIPTON RAILWAY, NEWTOWN, GOLDEN PLAINS SHIRE NOT IN VHR

Smythe's Creek Railway Viaduct (or Nimons Bridge) was built in 1890 as part of the then Ballarat-Linton Railway. The bridge comprises 17 20-foot spans creating a deck length of 103.6 metres. The bridge is 19.2 metres tall, which informs the need for three sets of double cross bracing on its tallest trestles as well as horizontal longitudinal bracing between the trestles. It is an impressive example of the type. It has been integrated into the Ballarat-Skipton rail trail.



Undated, Nimons Bridge,  
Source: [visitballarat.com.au/nimons-bridge](http://visitballarat.com.au/nimons-bridge).

### DARBYSHIRE HILL NO. 2 BRIDGE WODONGA-CUDGEWA RAILWAY, MIDWAY BETWEEN BULLIOH & DARBYSHIRE, BULLIOH, TOWONG SHIRE HERITAGE OVERLAY HO11: Railway Reserve Precinct

Built 1916 as one in a series of bridges for the Wodonga-Cudgewa Railway. The No. 2 Darbyshire Hill bridge is the tallest and longest of the group at 21.3 metres tall and 96.6 metres long. The bridge is of a three-tier trestle design, combining both 15- and 20-foot spans, some of which are made from timber beams and some from rolled steel joists.



Undated, Darbyshire Hill No. 2 Bridge,  
Source: [walkingmaps.com.au/walk/5435](http://walkingmaps.com.au/walk/5435)



**SNOWY RIVER FLOODPLAIN RAILWAY BRIDGES,  
BAIRNSDALE/ORBOST RAILWAY (WEST OF ORBOST),  
ORBOST, EAST GIPPSLAND SHIRE  
NOT IN VHR**

The Snowy River Floodplain Railway Bridges are two sequential timber bridges, located just west of Orbost. They provided the original terminus point for the Bairnsdale-Orbost railway. The longer bridge is 770 metres long, and the second is 183 metres. The bridge deck also features a sweeping curve. The longer bridge is the longest surviving timber railway bridge in Victoria.



*2018, Snowy River Rail Bridge,  
Source: [railtrails.org.au](http://railtrails.org.au)*

**Comparable bridges on the same (Horsham-Hamilton) railway line**

**QUANTONG RAILWAY BRIDGE  
WIMMERA HIGHWAY CROSSING (BESIDE), QUANTONG  
VIC  
NOT IN VHR**

The Wimmera River Rail Bridge is located at Quantong, on the section of the railway that connects Horsham to East Natimuk. The Wimmera River Rail bridge was built in 1887 and is of comparable length to the Kanagulk Railway Bridge, being 133 metres of decking over 29 15-foot spans. The bridge has a similar setting to the Kanagulk Railway Bridge, situated over an attractive floodplain with river red gum trees. It originally comprised a much longer bridge, but some sections were converted to earth embankment, leaving three distinct bridges, of which the longest remains. It has very similar historical associations to the Kanagulk Railway Bridge.



*2025, Wimmera River Rail Bridge,  
Source: [Heritage Victoria](http://Heritage Victoria).*



## Twentieth-century rural railway stations in the VHR

The Kanagulk bridge has an association with the development of the railway network, in particular the efforts to complete the railway network in the early twentieth century and to link rural towns and communities in an economical manner. This historical phase is broad, and timber railway bridges are not the only place type that is associated with this phase. As the railway network expanded, railway stations were also built in new areas of the State. The following comparators also represent the expansion of the railway network, demonstrating that the Kanagulk Railway Bridge cannot be said to allow this historical phase to be better understood than most other places or objects in Victoria with substantially the same association.

### FORMER IRYMPLE RAILWAY STATION BUILDING

#### 2 MILLEWA ROAD RED CLIFFS, MILDURA RURAL CITY

##### H2440

The Former Irymple Railway Station was constructed ca. 1921 by the Victorian Railways. It is of architectural and historical significance to the State of Victoria. It demonstrates the impact of the 1890s Depression on railway expansion, resulting in standardised and prefabricated station building units which could be adapted to different locations with a rectangular plan that made future extensions possible. It has historical associations with the extension of the railway network into the Wimmera and Mallee regions.



2008, Former Irymple Railway Station. Source: VHD.

### MANANGATANG RAILWAY STATION COMPLEX

#### 70 WATTLE STREET, MANANGATANG, SWAN HILL RURAL CITY

##### VHR H1576

The Manangatang Railway Station Complex was built in 1916 by the Victorian Railways on the Robinvale-Quambatook line. It is of architectural significance to the State of Victoria as the first in a series of 37 timber stations built in the early years of the twentieth century, which became known as the 'Manangatang Style'. It is also of historical significance to the State of Victoria as an example of the stations built for the extension of the railway network into the Wimmera and Mallee regions.



2008, Manangatang Railway Station. Source: VHD.

## PATCHEWOLLOCK RAILWAY STATION COMPLEX

FEDERATION STREET, PATCHEWOLLOCK,  
YARRIAMBIACK SHIRE

H1583

The Patchewollock Railway Station Complex was built in 1919 on the Patchewollock-Hopetoun line by the Victorian Railways. It is architecturally significant to the State of Victoria as a fine example of the series of small stations built to service rural lines in the early twentieth century. It also has historical associations with the opening of the Wimmera and Mallee regions as an example of a railway station built to service the line extensions. It is the only surviving example of the 'Manangatang Type B' style station.



2008. Patchewollock Railway Station. Source: VHD.

## Summary of Comparisons

Looking broadly at timber trestle bridges constructed by the Victorian Railways, the similarities between the bridges become clear. While there is variety in the structures resulting from different site conditions (the need for curves, greater heights, or greater distances) the bridges are all based on the same design principles, being mostly four pile trestles, with an arrangement of crossheads, piles, cross bracing, and wailers to form trestles. These principles had been reasonably well established by the Victorian Railways in the 1880s and subsequent bridges were produced to standard designs.<sup>8</sup>

All rail bridges constructed by the Victorian Railways have substantially the same historical associations. As a place type, they collectively demonstrate the expansion of the railway network in Victoria and the creation of transportation links between different regions. All these timber railway bridges demonstrate the use of usually local, native bush timbers to economise bridge construction. Each bridge also has an association with the railway line for which it was built, and the local region it serviced.

The rail bridges already included in the VHR have the same historical associations as the Kanagulk Railway Bridge. However, they also display characteristics of the class that are of a higher quality than other examples. They are generally highly distinctive — being exceptionally long, tall or curved examples — which demonstrates how the Victorian Railways adapted standardised designs to challenging site conditions. Those examples included in the VHR are clearly notable examples of their class. The same cannot be said of the Kanagulk Railway Bridge, which is representative of the class but does not display distinctive or high-quality characteristics.

Twentieth-century, rural railway stations in the VHR have similar historical associations. After the 1890s Depression, railway expansion resumed with a focus on opening the Mallee and Wimmera wheat growing regions to the ports of Victoria. Rural railway station buildings during this time period are characterised by economical construction, standardised designs, and an overall more spartan appearance than the lavish buildings of the boom years, of which Maryborough Station (VHR H1577) exemplifies. Modest, easily replicated, and cost-effective construction was a hallmark of the railway's expansion into rural areas in this period. The historical association with the expansion of the rail network is also well understood through rural railway station complexes.

Given the examples both in the VHR and outside of it, it is not considered that the Kanagulk Railway Bridge is a fine example of the class of railway bridges, nor is it considered that the historical associations with the expansion of the railway enable that process to be better understood than all the timber railway bridges, stations and infrastructure with substantially the same association. It is likely that there are other timber trestle railway bridges, such as Nimons Bridge or the Snowy River Floodplain bridges, that better demonstrate the principal characteristics of the class and may be candidates for future assessment for the VHR.

<sup>8</sup> National Trust of Australia (Victoria), *Timber Bridges Study*, 17.

## 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 with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the [Heritage Council's website](#). The owner can also make a submission about proposed permit exemptions (Section 40(4)(d)).

### Consideration of submissions to the Heritage Council (section 46)

(1) The Heritage Council must consider—

- (a) any written submission made to it under section 44; and
- (b) any further information provided to the Heritage Council in response to a request under section 45.

### Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

(1) The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.

(2) The Heritage Council must conduct a hearing if—

- (a) a submission made to it under section 44 includes a request for a hearing before the Heritage Council; and
- (b) the submission is made by a person or body with a real or substantial interest in the place, object or land that is the subject of the submission.

### Determinations of the Heritage Council (section 49)

(1) After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—

- (a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or
- (ab) in the case of a place, determine that—
  - (i) part of the place is of State-level cultural heritage significance and is to be included in the Heritage Register; and
  - (ii) part of the place is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (ac) in the case of an object, determine that—
  - (i) part of the object is of State-level cultural heritage significance and is to be included in the Heritage Register; and
  - (ii) part of the object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (b) determine that the place or object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or



- (c) in the case of a recommendation in respect of a place, determine that the place or part of the place is not to be included in the Heritage Register but—
    - (i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the Planning and Environment Act 1987 to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; or
    - (ii) determine that it is more appropriate for steps to be taken under the Planning and Environment Act 1987 or by any other means to protect or conserve the place or part of the place; or
  - (ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register; or
  - (d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—
    - (i) the State-level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
    - (ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
  - (b) if any hearing is conducted, within 90 days after the completion of the hearing.
- (3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—
- (a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place, object or land; and
  - (b) must include a statement of the reasons for the making of the determination.
- (4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—
- (a) the land is ancillary to the place; and
  - (b) the person who owns the place, or part of the place—
    - (i) is the owner of the land; and
    - (ii) consents to its inclusion.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

## **Obligations of owners (section 42, 42A, 42B, 42C, 42D)**

### **42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given**

- (1) The owner of a place, object or land to whom a statement of recommendation has been given must advise the Executive Director in writing of—

- (a) any works or activities that are being carried out in relation to the place, object or land at the time the statement is given; and
- (b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land but not determined at the time the statement is given; and
- (c) any works or activities that are proposed to be carried out in relation to the place, object or land at the time the statement is given.

(2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.

#### **42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits**

(1) This section applies if—

- (a) an owner of any of the following is given a statement of recommendation—
  - (i) a place or object nominated under section 27;
  - (ii) an object nominated under section 27A;
  - (iii) land nominated under section 27B; and
- (b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—
  - (i) the making of an application for a planning permit or a building permit;
  - (ii) the making of an application for an amendment to a planning permit or a building permit;
  - (iii) the grant of a planning permit or building permit;
  - (iv) the grant of an amendment to a planning permit or building permit.

(2) The owner must advise the Executive Director in writing of—

- (a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or
- (b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

#### **42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities**

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.

(2) The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

#### **42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose**

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.

(2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

#### **42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser**

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.

(2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

#### **Owners of places and objects must comply with obligations (section 43)**

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

Penalty:            In the case of a natural person, 120 penalty units;  
                         In the case of a body corporate, 240 penalty units.