

Statement of Recommendation from the Executive Director, Heritage Victoria

Mount Little Dick Fire Tower, VHR PROV H2461

Mount Little Dick Road, Deptford, East Gippsland Shire

Gunaikurnai 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 Mount Little Dick Fire Tower, located at Mount Little Dick Road, Deptford, East Gippsland Shire is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (**VHR**) in the category of Registered Place.

In accordance with section 38 of the Act I include in this recommendation categories of works or activities which may be carried out in relation to the place without the need for a permit under Part 5 of the Act.

I suggest that the Heritage Council determine that:

- the Mount Little Dick Fire Tower is of State-level cultural heritage significance and is to be included in the VHR in accordance with section 49(1)(a) of the Act
- the proposed categories of works or activities which may be carried out in relation to the place for which a permit under the Act is not required will not harm the cultural heritage significance of the place under section 49(3)(a) of the Act.



STEVEN AVERY
Executive Director, Heritage Victoria

Date of recommendation: 17 March 2025

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 Mount Little Dick Fire Tower at the time of the site inspection by Heritage Victoria in January 2025.

The Mount Little Dick Fire Tower is a timber fire tower located in a clearing on the summit of Mount Little Dick, just north of Bruthen in East Gippsland on Gunaikurnai Country. The tower is approximately 30 metres high. The tower structure comprises four substantial, spliced timber legs, timber bracing and steel fastenings. The legs are set into concrete pads at their base, and taper upwards towards a cabin that sits on the top of the tower. One of the concrete pads has the year '1940' inscribed into it. There are four platforms spaced at intervals up the height of the tower. There are remnants of a timber access ladder, which once provided access to the cabin, between the upper levels. The timbers are a combination of ironbark and stringybark. The area of cleared land around the tower is accessible to the public, however, the tower is now surrounded by a security fence and there is no public access to the tower itself.

Description images



2024, drone view of Mount Little Dick Fire Tower.

Source: Geoff Stanton, Land Sea Air Photography (Facebook page), still from video available at https://www.facebook.com/GeoffStantonPhotography/videos/408845705356399?locale=zh_CN



*2025, the Mount Little Dick Fire Tower.
Source: Heritage Victoria*



*2025, the Mount Little Dick Fire Tower.
Source: Heritage Victoria*



*2025, the Mount Little Dick Fire Tower, detail of cabin.
Source: Andrew Martin, DEECA*



*2025, the base of Mount Little Dick Fire Tower. Note that the main horizontal member has been removed on this side.
Source: Heritage Victoria*



*2025, the base of Mount Little Dick Fire Tower. The metal cabinet likely housed communications equipment.
Source: Andrew Martin, DEECA*



*2025, detail of Mount Little Dick Fire Tower.
Source: Andrew Martin, DEECA*



2024, drone view of Mount Little Dick Fire Tower.

Source: Geoff Stanton, Land Sea Air Photography (Facebook page), still from video available on https://www.facebook.com/GeoffStantonPhotography/videos/408845705356399?locale=zh_CN

History

Black Friday 1939

In December 1938, bushfires began in several locations across Victoria after a number of years of drought and an unusually hot summer. By early January 1939, fires were burning in places as widespread as the Otway Ranges, Bairnsdale, Woodend, Penhurst, Dromana and Warburton. Logging and timber milling settlements, often situated in remote locations throughout Victoria's forests, were particularly vulnerable. On 13 January 1939, temperatures were over 40 degrees in much of Victoria, accompanied by high winds. The conditions intensified existing fires and sparked new fires. Enormous fire fronts spread through large areas of north-east and south-west Victoria. The 13 January 1939 represented the most devastating day of bushfires experienced in Victoria since 1851 and became known as Black Friday.

From December 1938 to January 1939, up to 2 million hectares were burned, much of it mature forest. Seventy-one people were killed, and more than 650 buildings were destroyed. The townships of Narbethong, Noojee, Woods Point, Nayook West and Hill End were lost while Warrandyte, Yarra Glen, Omeo and Pomonal were severely damaged.¹ The fires were a significant event in Victoria's environmental history, their intensity destroying thousands of hectares of forest and affecting soil quality and water catchments for several decades.² The severity of the bushfires changed public and government attitudes towards the prevention, detection and fighting of bushfires and led to multiple reforms.

Stretton Royal Commission

Three weeks after the fires, Judge Leonard Stretton led a Royal Commission into the causes of the January 1939 fires. Stretton heard hundreds of witnesses across 34 days of hearings. His report contained numerous findings about the factors that had contributed to the fires. The Forests Commission – a government agency established in 1918 to oversee State forests, including their use for logging and milling – was identified for criticism, with Stretton writing 'it must be stated as an objective fact that Forests Commission has failed in its policy of fire prevention and suppression.'³ The report also made numerous recommendations to mitigate the risk of future bushfires. Specifically, Stretton recommended improved early detection of fires via air and ground patrols and fire spotting towers. He wrote that 'towers so placed that no part of the forest is beyond range of the vision of observers, should be placed throughout the forest'.⁴ Although the Forests Commission and other government agencies had utilised towers and locations such as hilltops to spot fires since at least the 1920s, Stretton's recommendations led to an expansion and improvement of the fire detection network.⁵

Mount Little Dick Fire Tower

There appears to have been a fire tower on the summit of Mount Little Dick from around 1930 (not the existing tower).⁶ Following the 1939 fires and Stretton's report, the Forests Commission rapidly expanded and upgraded its fire detection system. The Forests Commission's Annual Report for 1939-40 stated that 'the detection system is being considerably strengthened by the construction of a series of new towers and lookouts'.⁷ By 1945, the Forests Commission operated over 100 fire lookouts and fire towers across Victoria.⁸ In the Bruthen District, this era saw the construction of three timber fire towers. Mount Little Dick (the current tower) was constructed in 1940, while Mount Taylor (no longer extant) and Mount Sugarloaf (no longer extant) followed in 1941 and 1948 respectively.⁹ The Mount Little Dick Fire Tower was built by two well-known Forest Commission employees – Cecil Cross and Charlie Wain.¹⁰ All the timber for the tower was obtained and squared with hand-tools on site.¹¹ Each side of the tower was likely constructed on the ground and raised with ropes and pulleys. Its construction from immediately accessible materials with basic equipment demonstrates a high

¹ Black Friday 1939, Forest Fire Management Victoria <<https://www.ffm.vic.gov.au/history-and-incidents/black-friday-1939>>.

² Black Friday 1939, Forest Fire Management Victoria <<https://www.ffm.vic.gov.au/history-and-incidents/black-friday-1939>>.

³ Leonard E. B. Stretton, *Report of the Royal Commission to inquire into the causes of and measures taken to prevent the bush fires of January, 1939 and to protect life and property and the measures to be taken to prevent bush fires in Victoria and to protect life and property in the event of future bush fires*, 1939 (Stretton report).

⁴ Stretton report.

⁵ Peter McHugh, 'Fire lookouts and towers', reproduced on <<https://www.firelookoutsdownunder.com/Victoria/victowers.html>>.

⁶ 'Protection of Forests, Fire Prevention Week', *Argus*, 5 November 1930, page 7.

⁷ *Forests Commission of Victoria, Annual Report 1939-40*, p. 4.

⁸ Peter McHugh.

⁹ Gippsland CRA, *Historic Forest Activity Sites report, Mount Little Dick Firetower*, December 1997.

¹⁰ Letter from G Pearson to S F Duncan, Forest Commission Victoria, 12 November 1979.

¹¹ Letter from G Pearson to S F Duncan, Forest Commission Victoria, 12 November 1979.

degree of skill and ingenuity. Although its condition was assessed as being good in an engineer's report in 1987, it appears to have been abandoned in the mid-1990s.¹²

Forest Fire Management Victoria still operates approximately 72 fire towers across Victoria, most of them steel and constructed since the 1980s.¹³ Given their locations, age and construction materials, timber fire towers are particularly vulnerable to destruction during bushfires. Several key examples have been lost to fire in recent years, including the Stringers Knob Fire Spotting Tower (VHR H2244) in the Black Summer fires of 2019-20.

Selected bibliography

Primary sources

Forests Commission of Victoria, Annual Report 1939-40.

Stretton, Leonard E. B., *Report of the Royal Commission to inquire into the causes of and measures taken to prevent the bush fires of January, 1939 and to protect life and property and the measures to be taken to prevent bush fires in Victoria and to protect life and property in the event of future bush fires, 1939.*

Websites

'Black Friday 1939', Forest Fire Management Victoria, <<https://www.ffm.vic.gov.au/history-and-incidents/black-friday-1939>>.

'Bushfire history', Department of Environment and Primary Industries, <https://web.archive.org/web/20131026044114/http://www.depi.vic.gov.au/fire-and-emergencies/fighting-and-managing-fire/bushfire-history#Major_bushfires_in_Victoria>.

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'Victoria's Forests & Bushfire Heritage', <<https://victoriasforests bushfireheritage.com/>>.

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Collins, Paul., *Burn: The Epic Story of Bushfire in Australia*, Brunswick, Victoria: Scribe Publications, 2009.

McHugh, Peter., 'Fire lookouts and towers', reproduced on <<https://www.firelookoutsdownunder.com/Victoria/victowers.html>>.

Noble, W.S.; *Ordeal by Fire: The Week a State Burned up*, Melbourne: Hawthorn Press, 1977.

Interviews and consultation

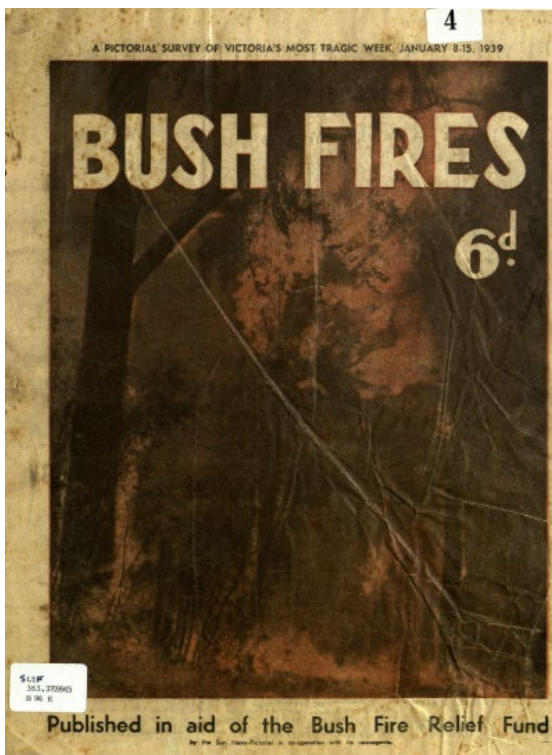
The Executive Director thanks the following people for sharing their knowledge of the Mount Little Dick Fire Tower:

- Peter McHugh, author and retired forester and firefighter
- Andrew Martin, DEECA
- André Belterman, Australian fire tower researcher.

¹² Gippsland CRA, Historic Forest Activity Sites report, Mount Little Dick Firetower, December 1997.

¹³ Peter McHugh.

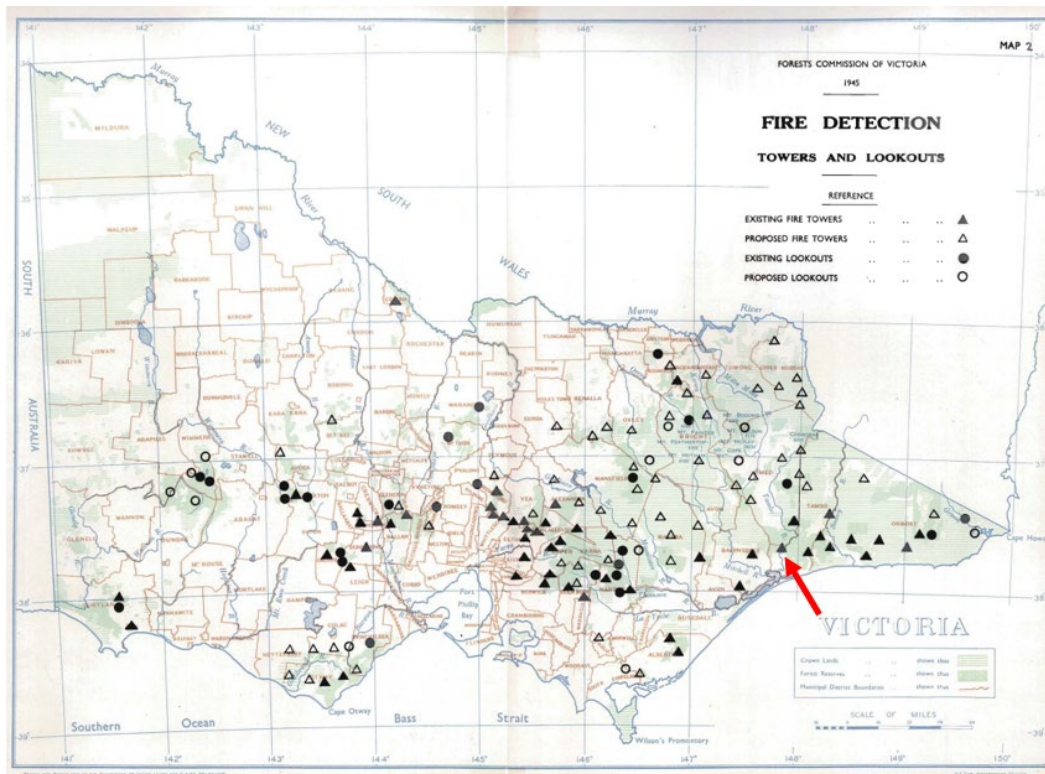
Historical images



1939, Sun News-Pictorial special fundraising edition featuring photographs of the Black Friday bushfires and their aftermath. It was subtitled 'Victoria's most tragic week'.
Source: State Library of Victoria



1939, Victoria showing areas swept by bushfires, January 1939, Forests Commission of Victoria.
 Source: State Library of Victoria



1945, Fire detection towers and lookouts. Mount Little Dick is indicated by the red arrow.
 Source: Forests Commission of Victoria, Annual Report 1945-46



Undated, close-up of tower and cabin

Source: Accessed via Fire Lookouts DownUnder website, see: <https://www.firelookoutsdownunder.com/Victoria/mtlittledick.html>



c2001, Close-up of structure of the fire tower supplied by Ray Lucas.

Source: Accessed via Fire Lookouts DownUnder website, see: <https://www.firelookoutsdownunder.com/Victoria/mtlittledick.html>



c2001, Close-up of concrete footing of the fire tower supplied by Ray Lucas. The year of the tower's construction has been written in the wet concrete.

Source: Accessed via Fire Lookouts DownUnder website, see: <https://www.firelookoutsdownunder.com/Victoria/mtlittledick.html>



2009, close up of cabin supplied by Richard Webb.

Source: Accessed via Fire Lookouts DownUnder website, see: <https://www.firelookoutsdownunder.com/Victoria/mtlittledick.html>

Further information

Traditional Owner Information

The place is located on the traditional land of the Gunaikurnai people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Gunaikurnai Land and Waters Aboriginal Corporation.

Native Title

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

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

The Mount Little Dick Fire Tower is located on Crown land subject to both a Native Title determination and a Recognition and Settlement Agreement under the Traditional Owner Settlement Act. In December 2024, the Executive Director notified the Gunaikurnai Land and Waters Aboriginal Corporation of the nomination and invited input into the assessment.

Victorian Aboriginal Heritage Register

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

(30 January 2025)

Integrity

The integrity of the place is excellent. The cultural heritage values of the Mount Little Dick Fire Tower can be easily read in the extant fabric.

(30 January 2025)

Intactness

The intactness of the place is good. Although elements like the ladder have been removed to prevent public access and potential damage to the structure, and there has been further loss of fabric through deterioration, much original or early fabric remains in place.

(30 January 2025)

Condition

The condition of the Mount Little Dick Fire Tower is poor.

It has lost timbers over time, including structural members. There is some evidence of splitting in timbers, and loss of timber boards to the platforms and the cabin.

(30 January 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.

Other information

Heritage Overlay

There is no Heritage Overlay for the place.

Other relevant planning scheme overlays

The place is subject to the following environmental and landscape overlays:

- Environmental Significance Overlay (ESO1-60 – 'Mount Little Dick')

Other Listings

There are no other listings for the place.

Other Names

There are no other widely known names for the place

Date of construction/creation

1940

Architect/Builder/Designer/Maker

The fire tower is a standard type built by the Forests Commission in the era. Forests Commission employees Cecil Cross and Charlie Wain are known to have been involved in the tower's construction.

Statutory requirements under section 40

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

The Executive Director recommends that the Mount Little Dick Fire Tower is included in the VHR.

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

Number: PROV H2461

Category: Registered place

Name: Mount Little Dick Fire Tower

Location: Mount Little Dick Road, Deptford

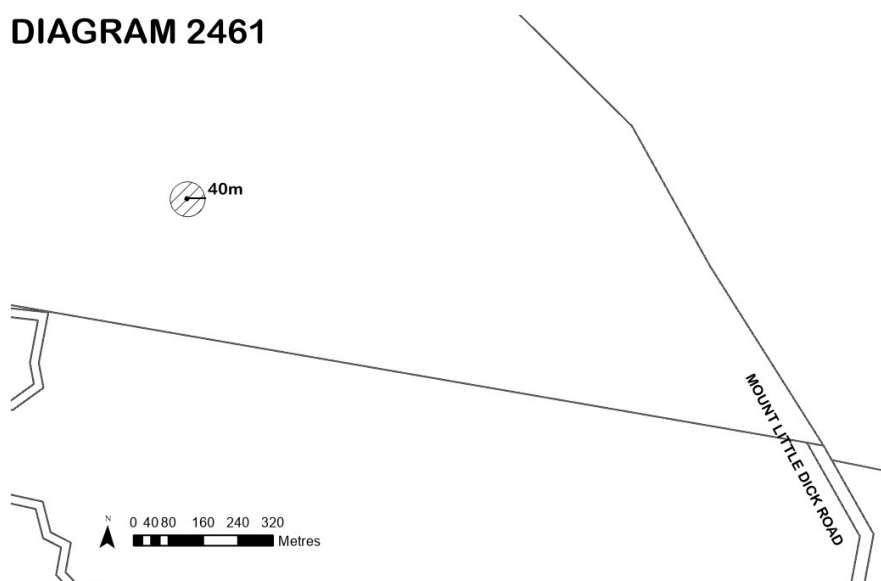
Municipality: East Gippsland

Proposed extent of registration

The Executive Director recommends that the extent of registration for the Mount Little Dick Fire Tower be gazetted as:

All of the place shown hatched on Diagram 2461 encompassing part of Allotment 2 Section B Parish of Kianeeek to the extent of 40m from the midpoint of the fire tower.

DIAGRAM 2461



Non-statutory information about the proposed extent of registration

Aerial photo of the place showing proposed extent of registration



Note: This aerial view provides a visual representation of the place. It is not a precise representation of the recommended extent of registration. Due to distortions associated with aerial photography some elements of the place may appear as though they are outside the extent of registration.

Rationale for the proposed extent of registration

The recommended extent of registration comprises the fire tower itself and a distance of 40 metres around the tower measured from its base. This captures all the significant elements of the tower and includes an area of cleared land around the tower. It is noted that this clear character of the land around the tower is also of significance, being important to maintaining sight lines from the tower for the purposes of spotting fires.

The recommended extent of the registration varies slightly from the nominated extent of registration, which suggested an irregular shape following the extent of the cleared land around the tower. Although this extent of registration may also have been appropriate, it is noted that the extent of the clearing may change over time. In this case, it was thought that an extent of registration based on a measurement would be more practical.

It should be noted that everything included in the proposed extent of registration, including all of the tower, its surrounding fence, all soft and hard landscape features 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 (section 40(3)(c))

Following is the Executive Director's assessment of the Mount Little Dick Fire Tower 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 Mount Little Dick Fire Tower has a clear association with the 1939 bushfires and their aftermath. It was built following the bushfires, in response to recommendations of the Stretton Royal Commission. The tower was erected as part of a State-wide effort to improve fire detection measures.
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>The event of the 1939 bushfires is of historical importance having made a strong and influential contribution to Victoria.</p> <p>The fires affected almost every part of Victoria and impacted over 1.5 million hectares of land. They resulted in the deaths of 71 people and destroyed over 650 buildings. The fires had a significant impact on the environmental history of Victoria. They have been recognised as a historical turning point in Victorians' attitude to bushfire.</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 the event of the 1939 fires. This is in the place itself as the Forests Commission fire tower was erected soon after the bushfires, and in accompanying documentary 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 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>The place allows the association with the 1939 bushfires and their aftermath to be better understood than other places and objects.</p> <p>It was erected as a direct response to the fires and the recommendations of the Stretton Report. It is a substantial and publicly accessible structure that enables the response of the Forests Commission to the fires to be well understood. The year of its construction, just a year after the fires, is visible in the concrete footing.</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 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	The place has a clear association with 1939 bushfires and their aftermath as above.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	As above, there is evidence of the association between the Mount Little Dick Fire Tower and the 1939 bushfires.
B3)	Is there evidence that place is rare or uncommon, <u>or</u> has rare or uncommon features?	Yes	<p>B3(i) There is evidence that the place is rare or uncommon. Although it is of a standard type built by the Forests Commission in the era, it is now a rare surviving example.</p> <p>B3(ii) There is no evidence that the place has rare or uncommon features. It is of a standard type constructed by the Forests Commission.</p>

If B1, B2 AND B3 are satisfied, then Criterion B is likely to be relevant (but not necessarily at the State level)

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

No.	Test	Yes/No	Reason
SB1)	Is the place rare or uncommon, being one of a small number of places/objects remaining that demonstrates the event, phase, etc identified at B1)?	No	Although the Mount Little Dick Fire Tower is an evocative reminder of responses to the 1939 bushfires, there are other places and objects that demonstrate the event. This includes objects, such as firefighting equipment, and ample documentary evidence, such as photographs. It also includes landscapes where the impact of the fires is still evident. It is not one of a small number of places or objects that demonstrate the event.
SB2)	Is the place rare or uncommon, containing unusual features, and these features are of note and these features were not widely replicated in Victoria?	No	The Mount Little Dick Fire Tower is not rare or uncommon for containing unusual features. It is of a standard type produced by the Forests Commission during the era.
SB3)	Is the existence of the class place that demonstrates the historical phases at B1) endangered to the point of rarity due to threats and pressures on such places/objects in Victoria?	Yes	<p>The Mount Little Dick Fire Tower is of the class of timber fire towers. The class demonstrates the historical event set out at B1.</p> <p>This class is endangered to the point of rarity due to threats and pressures on such places in Victoria.</p> <p>Given their locations, age and construction materials, timber fire towers are particularly vulnerable to destruction during bushfires. Several key examples, such as the Stringers Knob Fire Spotting Tower (VHR H2244), have been lost to fire in recent years.</p> <p>Other examples of timber fire towers were demolished and replaced with steel towers in the late twentieth century when they were seen to have reached the end of their serviceable life (see examples in the Comparisons section of this report). Others have deteriorated to a degree that they can no longer be readily interpreted as timber fire towers.</p> <p>The Mount Little Dick Fire Tower is now a rare surviving example of a timber fire tower.</p>

If any one of SB1, SB2 OR SB3 is satisfied, then Criterion B is likely to be relevant at the State level

Executive Director's Response:

Yes

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

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 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?	Yes	The: 1) physical fabric and 2) documentary evidence and 3) associated oral history or cultural narratives. relating to the Mount Little Dick Fire Tower do not 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. The fire tower is a simple structure that can be well understood from visible fabric.
C2)	And, from what we know of the place, 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 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).

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
D1)	Is the place 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 Mount Little Dick Fire Tower belongs to the class of timber fire towers. This class has a clear association with the function of bushfire detection. Since roughly the 1920s, fire towers have been used for fire detection. Fire towers are still used across Victoria today, though few of the timber type survive.
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	Since roughly the 1920s, bushfire detection has been an important function carried out by government agencies.
D3)	Are the principal characteristics of the class evident in the physical fabric of the place?	Yes	The principal characteristics of the class are evident in the physical fabric of the place. These include siting in a cleared area on top of a natural high point in a fire-prone area, timber construction,

substantial height, a cabin atop the tower and a ladder to provide access to the cabin.

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 a notable (fine, influential or pivotal) example of the class in Victoria?	Yes	<p>The Mount Little Dick Fire Tower is a notable example of the class of timber fire towers.</p> <p>It is particularly fine in that it retains multiple characteristics of the class that enable the class to be understood. Dating from the immediate aftermath of the 1939 fires, it is a particularly historically relevant example. Its construction from materials available in the immediate area using traditional methods represents a highly skilled approach to timber construction.</p>

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.
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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 clearly exhibit particular aesthetic characteristics?	Yes	The physical fabric of the place clearly exhibits aesthetic characteristics particular to its substantial height and rough timber construction.

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

Executive Director's Response:	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)	Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by: <ul style="list-style-type: none">• Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or• Critical recognition of the aesthetic characteristics of the place within a relevant art, design, architectural or related discipline within Victoria; and/or• Wide public acknowledgement of exceptional aesthetic qualities of the place in Victoria expressed in publications, print or digital media, painting, sculpture, songs, poetry, literature, or other media?	No	There is no evidence that the aesthetic characteristics at the place are 'beyond the ordinary' or are outstanding.

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 contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created?	No	The Mount Little Dick Fire Tower does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created. Although its construction is highly skilled, it utilises established techniques and approaches.
F2)	Does the physical evidence demonstrate a high degree of integrity?	NA	The physical evidence at the place may demonstrate a high degree of integrity, but it does not demonstrate creative or technical achievement as above.

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:	Yes	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 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>	No	The tower is well known among locals, those who have worked in the area and people with an interest in forest heritage. However, there is no evidence of a clearly defined community that exists in relation to the tower.
ii)	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	N/A	There is no evidence of a community, as above.
iii)	Existence of a time depth to that attachment.	N/A	

If all facets of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion G is not likely to be relevant.
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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 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	H1(i) There is a direct association between the Mount Little Dick Fire Tower and the Forests Commission. The Forests Commission erected the tower and staffed it for the majority of its operational life. H1(ii) The Forests Commission has made a strong or influential contribution in its field. It was the key government agency responsible for managing state forests in Victoria for much of the twentieth century.
H2)	Is there evidence of the association between the place and the person(s)?	Yes	There is evidence of the association between the Mount Little Dick Fire Tower and the Forests Commission. The tower was erected and operated by the Commission.
H3)	Does the association relate: • directly to achievements of the person(s); <u>and</u> • to an enduring and/or close interaction between the person(s) and the place?	Yes	H3(i) The association between the Mount Little Dick Fire Tower and group of persons relates directly to the achievements of the Forests Commission. The tower is an outcome of the Forests Commission's efforts to detect and respond to bushfires. H3(ii) The association relates to a close and enduring interaction between the Forests Commission and the Mount Little Dick Fire Tower. The tower was erected and operated by the Forests Commission.

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	The life or works of the Forests Commission is important in Victoria's history. The Forests Commission was an important government agency and had a key role in the land management and environmental history of Victoria.
SH2)	Does this place allow the association between the person or group of persons and their importance in Victoria's history to be readily	No	The place does not allow the association between the Forests Commission and their importance in Victoria's history to be readily appreciated more than most other places or objects in Victoria.

appreciated better than most other places or objects in Victoria?

The Mount Little Dick Fire Tower is an example of the Forests Commission's operational infrastructure. While it is likely of historical significance, it does not enable the achievements of the Forests Commission to be better appreciated than other places or objects. It is one among many places associated with the Forests Commission, including huts, camps, plantations, nurseries and forestry schools.

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.

Comparisons

Fire towers in the VHR

STRINGERS KNOB FIRE SPOTTING TOWER

MONUMENT TRACK BETE BOLONG NORTH, EAST GIPPSLAND SHIRE

VHR HH2244

Note – The Stringers Knob Fire Spotting Tower was impacted by the 2019/20 bushfires and largely destroyed. The site is still included in the VHR. More information is available [here](#).

Stringers Knob Fire Spotting Tower is an experimental single-pole fire-detecting tower erected in 1941. It was erected by the Forests Commission following the devastating Black Friday fires of 1939. It is of historical significance as a demonstration of the Forests Commission's efforts to improve fire detection. It is of technical significance for its unusual and experimental design.



MOUNT TARRENGOWER LOOK-OUT TOWER

MOUNT TARRENGOWER ROAD MALDON, MOUNT ALEXANDER SHIRE

VHR H1407

The Mount Tarrengower Look-out Tower was originally the poppet head for the Comet Mine in Bendigo. It was brought to Maldon in the 1920s to provide a look out as a tourist attraction. From the 1940s, it was also used as a fire spotting tower. It is an unusual artefact of the State's fire spotting system. It is scientifically significant as an early form of steel poppet head.



Timber fire towers in Victoria (not included in the VHR)

MULLUNDUNG/BIG TOWER

BIG TOWER ROAD, DARRIMAN

The Mullundung, or 'Big Tower', is located in the Mullundung Nature Conservation Reserve north of Woodside in Gippsland. It was constructed in 1941 and operated until 1960. It is one of the tallest of the four-legged timber fire towers erected. Although it has not been impacted by bushfire, it has suffered from deterioration and lost the cabin that once sat on top of the tower.



The above photograph was taken by Peter McHugh in 2020. It has been accessed via the Fire Lookouts DownUnder website. See: <https://www.firelookoutsdownunder.com/Victoria/mullundung.html>

MOUNT NOWA NOWA FIRE TOWER

MOUNTAIN ROAD, NOWA NOWA

Note – The timber fire tower at Mount Nowa Nowa was impacted by the 2019/20 bushfires and destroyed.

A timber fire tower was erected at Mount Nowa Nowa in the early 1930s. It was approximately 20 kilometres from Mount Little Dick, and the towers were designed to work in concert, together with a third tower at Mount Taylor. It was of a very similar design to the example at Mount Little Dick. It appears to have been in use until the early 1970s. The timber tower at Mount Nowa Nowa was destroyed in the 2019-20 bushfires.



The Nowa Nowa Fire Tower in 2009, photograph by Andre Belterman and accessed via Fire Lookouts DownUnder website: <https://www.firelookoutsdownunder.com/Victoria/mtnowanowa.html>



2020, The Nowa Nowa Fire Tower on fire. Photographs supplied by DELWP (DEECA) and accessed via Fire Lookouts DownUnder website:

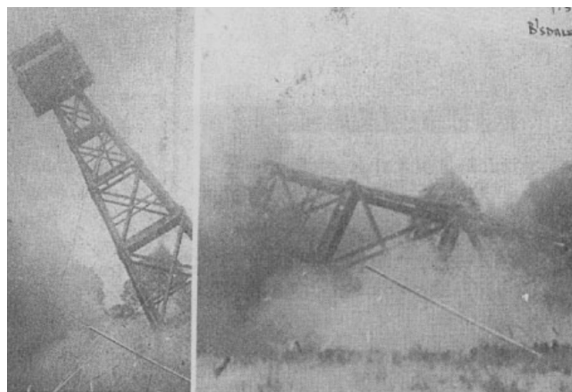
<https://www.firelookoutsdownunder.com/Victoria/mtnowanowa.html>

MOUNT TAYLOR FIRE TOWER

MOUNT TAYLOR

Note – The timber fire tower at Mount Taylor was demolished in 1988.

The fire tower at Mount Taylor was constructed in 1940 and was in use until the 1980s. It was 20 metres tall and utilised a similar design to the towers at Mount Nowa Nowa and Mount Little Dick. It was demolished in May 1988 and replaced with a steel tower.



1988, the Mount Taylor fire tower being demolished. accessed via Fire Lookouts DownUnder website: <https://www.firelookoutsdownunder.com/Victoria/mttaylor.html>

BELMONT TOWER

BELMONT AVENUE, UPWEY

This timber lookout tower was built in 1923. It was originally built as an attractive feature of a residential subdivision but can be used by the local Upwey Fire Brigade for fire spotting. It became a well known tourist landmark. It is now a rare early surviving example of a timber lookout tower and has been included in the National Trust's register and included in the Heritage Overlay of the Yarra Ranges Planning Scheme.



Other places with a historical association with bushfires in the VHR

FORMER COCKATOO KINDERGARTEN

2-10 MCBRIDE STREET COCKATOO, CARDINIA SHIRE

VHR H2303

The former Cockatoo Kindergarten is a 1976 kindergarten building in a semi-rural setting in the township of Cockatoo. During the catastrophic bushfires of 16 February 1983, it became the refuge for about 300 people. It is historically significant for its role as a refuge for about three hundred residents of Cockatoo during the devastating Ash Wednesday bushfires of 16 February 1983. The Ash Wednesday fires were a highly significant event in Victoria's cultural history and the former Kindergarten is an outstanding representative example of a place of refuge during that event.



Summary of Comparisons

Despite the importance of bushfire events to Victoria's history, there are only two fire towers currently included in the VHR. The Mount Tarrengower Look-Out Tower pre-dates the Mount Little Dick Fire Tower but is not a purpose-built fire tower, and has a mixed history of use, including as a mining poppet head and tourist attraction. The Stringers Knob Fire Spotting Tower was also amongst those fire towers constructed after the 1939 fires and was notable for its experimental design but has sadly been destroyed. The Mount Little Dick Fire Tower is an example of a once common type of fire tower, the majority of which have now been destroyed or demolished, or lost important original elements due to deterioration. It is now a rare surviving example of its class and of the efforts to improve Victoria's fire detection network following the 1939 bushfires.

As well as there being a limited number of fire towers included in the VHR, there are very few places or objects of other types that demonstrate Victoria's history of bushfires. The Former Cockatoo Kindergarten is currently the only example of a place included in the VHR because of its historical association with a bushfire event. The Mount Little Dick Fire Tower well represents a catastrophic bushfire that is of historical importance to Victoria and addresses the under representation of this historical theme in the VHR.

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

Statement of significance

What is significant?

The Mount Little Dick Fire Tower is located on the land of the Gunaikurnai people.

The Mount Little Dick Fire Tower is a timber fire spotting tower located on the summit of Mount Little Dick in the Bruthen State Forest. It was erected in 1940 by the Forests Commission of Victoria following the devastating Black Friday bushfires of 1939.

How is it significant?

The Mount Little Dick Fire Tower is of historical significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A

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

Criterion B

Possession of uncommon, rare or endangered aspects 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 Mount Little Dick Fire Tower is historically significant as an evocative remnant of the responses to Victoria's devastating Black Friday bushfires of January 1939. Following the fires, the Forests Commission embarked on a state-wide effort to improve fire detection measures, including the expansion of its network of fire detection towers. The Mount Little Dick Fire Tower is an outcome of that era and enables the impact of the 1939 bushfires to be well understood. (Criterion A)

The Mount Little Dick Fire Tower is significant as a rare surviving example of a timber fire tower. Its four-legged design was a once common type in Victoria, yet few comparable examples survive. Many have since been destroyed by fire, while other examples have been demolished and replaced with other structures. The Mount Little Dick Fire Tower is the most intact remaining example of its type in Victoria and is now a relatively early surviving example. (Criterion B)

The Mount Little Dick Fire Tower is significant as a notable example of a timber fire tower in Victoria. Dating from the immediate aftermath of the 1939 bushfires, it is a particularly historically relevant example. It retains many of its original elements, including its timber cabin and a portion of the ladder, enabling the design and construction of these structures to be well understood. Its construction from readily available local timber demonstrates the skill and ingenuity of its builders. (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 Exemptions

General Permit Exemptions

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

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

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

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

Specific Permit Exemptions

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

Guidelines for specific permit exemptions

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works

or activities in accordance with this category. Approvals under Part 5 of the Act must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.

8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

General conditions for specific permit exemptions

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

Exempt works and activities

Fire Tower

1. Repairs and maintenance to the fire tower and cabin, including the introduction of new timbers, provided the original appearance of the fire tower is not permanently altered and the retention of original physical fabric is maximised.
2. All works and activities necessary to protect the fire tower if it is under threat during a bushfire or other emergency, such as the application of fire retardant.
3. Works essential for emergency stabilisation of the fire tower, provided Heritage Victoria is informed within seven days of the works being carried out.
4. Application of termite controls and treatments.

Landscape and surrounds

5. Repairs, maintenance, removal and replacement of existing perimeter fence, provided replacement is of the same size, location and type as the existing fence.
6. Installation of temporary security fencing, signage, scaffolding, hoardings, lighting and surveillance systems provided they are not attached to the fire tower.
7. Installation of signage authorised by the relevant government agencies, provided it is not attached to the fire tower.
8. Repairs, maintenance, installation and removal of standard park furniture, such as picnic tables.
9. Road and track repairs and maintenance, including grading, resurfacing and the like.
10. Management of vegetation, including removal.
11. Fire suppression and firefighting activities such as fuel reduction burns and fire control line construction, provided protection is in place for the fire tower.

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.