

Statement of Recommendation from the Executive Director, Heritage Victoria

Redesdale Bridge, H1419

Heathcote-Kyneton Road, Redesdale and Heathcote-Kyneton Road, Mia Mia, Greater Bendigo City, Mitchell Shire

Dja Dja Wurrung Country and Taungurung Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (Heritage Council) that the Redesdale Bridge, located at Heathcote-Kyneton Road, Redesdale and Heathcote-Kyneton Road, Mia Mia, Greater Bendigo City, Mitchell Shire in the Victorian Heritage Register (VHR) be amended.

In accordance with section 62 and Part 3, Division 3 of the *Heritage Act 2017* (the Act), I suggest that the Heritage Council:

- determine to include additional land in the VHR being all of the place shown hatched on Diagram 1419 in accordance with section 49(1)(d) (ii) of the Act; and
- determine that the categories of works or activities which may be carried out in relation to the place for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the place in accordance with section 49(3)(a) of the Act.



STEVEN AVERY
Executive Director, Heritage Victoria
Date of recommendation: 7 January 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 Redesdale Bridge at the time of the site inspection by Heritage Victoria in September 2024.

The Redesdale Bridge is located on the traditional land of the Dja Dja Wurrung People and the Taungurung People.

The Redesdale Bridge is a separated two-lane road bridge that crosses over the Campaspe River. The bridge is supported by large bluestone abutments and the bridge structure is comprised of timber and wrought iron. It has a longitudinal deck supported by timber cross beams which rest on the lower cords of the three trusses, each one spanning 45.7 metres. Each traffic laneway is 3.7 metres in width. The three lattice-girder trusses are connected above the roadway with three pairs of wrought iron arches that connect to the three trusses and provide lateral stability. These arches were extended in 1997 to allow taller vehicles easy access, and this change is visible at the junction between truss and arch.

The bridge is situated in an attractive portion of the upper Campaspe River Valley, just upstream of Lake Eppalock. The impressive iron trusses span a deep and broad river valley, and its steep and twisting rural road approaches are surrounded by hilly farmland.

Description images



2024. Redesdale Bridge from the western approach.



2024. Bridge pillar on the Metcalfe Shire side, bearing incorrect year of opening.



2024. Timber decking to bridge roadway.



2024. Wrought iron arches, 1997 extension of height visible.

History

Prior to the construction of the Redesdale Bridge in 1868, there was an open ford crossing over the Campaspe River. Located on the main Kyneton-Heathcote goldrush-era road, the ford was notoriously difficult to cross and described in 1868 as 'at times very dangerous'. After heavy rainfall, it was not uncommon for the mail between Kyneton and Heathcote to be delayed for a day or more as the floodwaters subsided. The combined shires of Mclvor and Metcalfe, on whose mutual boundary the crossing lay, received a State Public Works Department Grant of £3000 towards the construction of a durable bridge.

The wrought iron materials for the bridge were salvaged from the *Herald of the Morning* shipwreck. The ship had been reported to be carrying ironwork intended for a bridge over the Yarra River in the Melbourne suburb of Hawthorn before it caught fire and was sunk in Hobson's Bay. The ironwork was later recovered and sold at auction to the combined shires of Mclvor and Metcalfe. They bought 200 tons of salvaged iron work and constructed the bridge to a design by Thomas Bingham Muntz, engineer to the Metcalfe Board. The bridge was located in a steep and difficult site, with angled approaches and incorporating three wrought iron lattice girders supported by bluestone piers and abutments. The curved wrought iron arches over the two lanes are both structural and aesthetic, providing lateral stability to the lattice-girders and contributing to the striking impression of the bridge.

At the time, the bridge was built so that the roadway would be five feet above that of the highest known flood level. The bridge was completed in 1868, although bears the date 1867. Costing £6274, the expense was split three ways between the state government, and the shires of Mclvor and Metcalfe. The project was considerably over budget, and construction took three times as long as the original estimate.

The bridge has been subject to little modification since its construction in 1868. In 1997, the arches were raised by a small amount to protect them from tall vehicles. A new timber deck was provided, together with additional bracing underneath the deck to make the structure more rigid.

The Redesdale Bridge (also known as the Mia Mia Bridge) is still used as a road bridge for vehicles today. It provides a connection over the Campaspe River between the communities of Redesdale and Mia Mia.

Historical images



1878. Redesdale Bridge over the Campaspe, Victoria, 1878
[picture] / Charles Nettleton. Source: NLA.



1914. Redesdale Bridge (prior to arches being raised in 1997).
Source: VicRoads Association Country Roads Board Early Days.

Selected bibliography

The Argus. "Friday, September 21, 1866." September 21, 1866. <http://nla.gov.au/nla.news-article5773959>.

Vines, Gary & Ken McInnes. *Metal Road Bridges in Victoria*. On behalf of the National Trust of Australia (Victoria) with funding from VicRoads and Heritage Victoria, 2003 (revised August 2010).

Further information

Traditional Owner Information

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

There is a Recognition and Settlement Agreement under the *Traditional Owner Settlement Act 2010* between the Victorian Government and the Dja Dja Wurrung Clans Aboriginal Corporation which recognises the Dja Dja Wurrung as the Traditional Owner group of public land within the boundaries of the agreement area. There is also a Recognition and Settlement Agreement between the Taungurung Land and Waters Council Aboriginal Corporation and the Victorian Government. The place is not within one of the jointly managed parks and reserves under either agreement.

Victorian Aboriginal Heritage Register

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

(October 2024)

Integrity

The integrity of the place is excellent. The cultural heritage values of the Redesdale Bridge can be easily read in the extant fabric.

The Redesdale Bridge can still be easily understood part of an important transport route over the Campaspe River between goldrush centres.

(October 2024)

Intactness

The intactness of the place is excellent.

There has been minimal alteration to the bridge. Those alterations that have occurred (e.g. raising the height of the wrought iron arches in 1997) have been sympathetically done.

(October 2024)

Condition

The condition of Redesdale Bridge is very good.

The bridge shows only minimal signs of age and wear.

(October 2024)

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place or object may be in very poor condition and still be of very high cultural heritage significance. Alternatively, a place or object may be in excellent condition but be of low cultural heritage significance.

Amendment recommendation

State-level cultural heritage significance of the place

The cultural heritage significance of the Redesdale Bridge was recognised when it was included in the Register of Government Buildings in 1982. Its State-level cultural heritage significance was confirmed by its transfer into the VHR in 1998.

Amendment application

On 26 November 2024 the Executive Director made and accepted an application to amend the registration of the place to ensure it is consistent with current practices under the Act.

Additional land

The Executive Director recommends that the Heritage Council amend this registration because in accordance with section 40(4)(c) (ii):

- (ii) the additional land surrounds the place and is important to the protection or conservation of the place or contributes to the understanding of the place.

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

- The current extent is limited to the bridge itself, and associated walls and abutments. Therefore, it is insufficient to protect, conserve and allow for a proper understanding of the place.
- The land proposed for inclusion is and has been used in conjunction with the place. The land proposed for inclusion allows for an understanding of the relationship between the bridge and the Campaspe River.
- The proposed extent includes an area around the bridge, and the land beneath including the part of the Campaspe River beneath the bridge. This provides an appropriate setting for the bridge which allows for an understanding of the place.
- Including an area of land around the bridge will enable works immediately adjacent to and underneath the bridge (for example, earthworks) to be managed under an approval process.

Amending the Heritage Council Criteria

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

Criterion A (Historical Significance)
Criterion E (Aesthetic Significance)
Criterion F (Creative or Technological Significance)

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

Criterion A (Historical Significance)
Criterion F (Creative or Technological Significance)

The registration was updated prior to the introduction of [The Victorian Heritage Register Criteria and Threshold Guidelines \(2012\)](#), so the application of criteria was less rigorous. It is considered that the place is unlikely to meet the threshold for aesthetic significance, and it is therefore proposed to remove reference to this criterion. This is on the basis that while the bridge and its river valley location exhibit attractive qualities, these characteristics are not considered to be 'beyond the ordinary' in terms of satisfying the State-level test for criterion E. There is no evidence from within the relevant disciplines, or critical recognition, or wide public acknowledgement of the aesthetic qualities of the bridge that would suggest that the threshold for State-level listing under criterion E is met (test SE1).

Change of name

N/A

Statutory requirements under section 40

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

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

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

Number: H1419.

Category: Registered Place.

Name: Redesdale Bridge

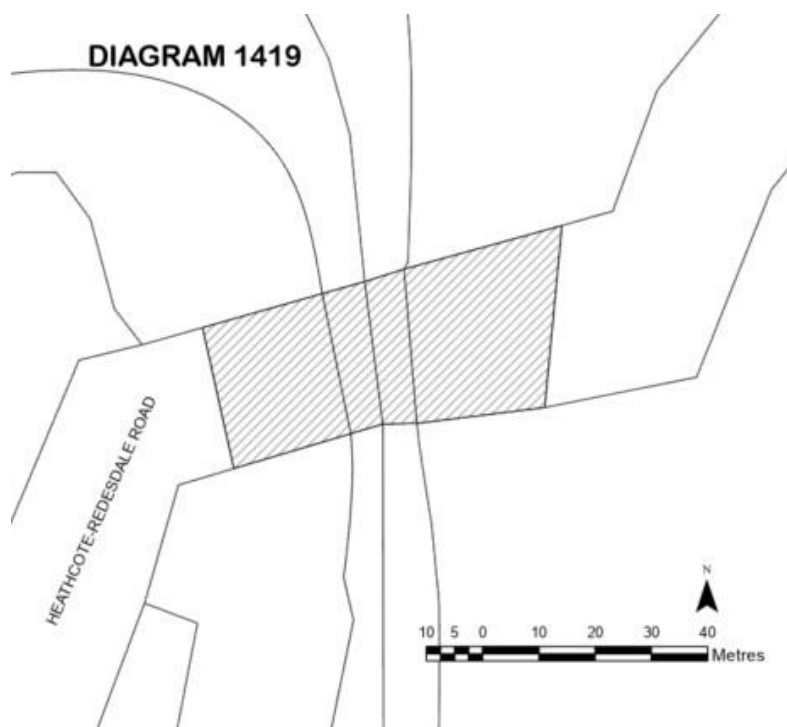
Location: Heathcote-Kyneton Road Redesdale and Heathcote-Kyneton Road, Mia Mia, Greater Bendigo City, Mitchell Shire.

Municipality: Greater Bendigo City, Mitchell Shire

Proposed extent of registration

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

All of the place shown hatched on Diagram 1419 encompassing all of Crown Allotments 2046 and 2045 Parish of Redesdale and all of Crown Allotments 2049 and 2050 Parish of Spring Plains.



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 extent of registration

The recommended extent of registration comprises the bridge, a section of the river underneath the bridge and the approaches on either side of the bridge.

This extent has been selected as it constitutes the entirety of the four land parcels that make up the road casement within which the bridge is located. Although the bridge is not centrally positioned within the road casement, the proposed extent of registration extends approximately 10 metres from the centreline of the bridge towards the north, 15 metres from the centreline of the bridge towards the south, and six metres from the eastern and western endpoints of the bridge. This is considered to provide sufficient protection for the future conservation of the bridge and its setting.

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

It should be noted that everything included in the proposed extent of registration including all of the bridge and its abutments, the land, and the river, is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

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

Statement of significance

What is significant?

The Redesdale Bridge (also known as the Mia Mia Bridge), a wrought iron and timber structure with bluestone abutments. The bridge was designed by Thomas Bingham Muntz and constructed in January 1868.

How is it significant?

The Redesdale Bridge is of historical and technological 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 F

Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Why is it significant?

The Redesdale Bridge is historically significant as a crossing over the Campaspe River on an important route that linked the nineteenth century townships of Kyneton and Heathcote. The ironwork was imported from England on the *Herald of the Morning* and intended for a new bridge over the Yarra River at Hawthorn. This vessel and its cargo sank in Hobsons Bay in 1859, and the ironwork was subsequently retrieved and became part of the Redesdale Bridge. [Criterion A]

The Redesdale Bridge is technically significant as an uncommon example of an iron lattice triple through-truss bridge with paired arches. The bridge is one of the oldest surviving metal truss bridges in the State and is an important demonstration of early iron bridge construction techniques. Constructed of iron and masonry, at a time when most bridges were timber, it survived the devastating floods of 1870 which swept across Victoria, destroying many weaker bridges. The bridge is one of the most distinctive bridges in Victoria, located above a broad and deep river valley. [Criterion F]

Recommended permit exemptions under section 38

Introduction

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

Permit Policy

It is recommended that a Conservation Management Plan is utilised to manage the place in a manner which respects its cultural heritage significance.

Permit Exemptions

General 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, Heritage Victoria 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, Heritage Victoria as a determining referral authority, a permit is not required.

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

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

Specific Exemptions

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

Guidelines

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

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

Conditions

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

Exempt works and activities

The Executive Director does not recommend any Specific Permit Exemptions for the Redesdale Bridge.

Existing extent of registration

NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended in that the Heritage Register Number 1419 is now described in the category as a Heritage Place:

Mia Mia Bridge, Kyneton-Heathcote Road, Redesdale, Mt Alexander Shire Council.

EXTENT

1. To the extent of the entire bridge known as the Mia Mia Bridge including associated walls and abutments as shown in Diagram 601959 held by the Executive Director of the Heritage Council.

Dated 5 February 1998

RAY TONKIN

Executive Director

[*Victoria Government Gazette* No. G6 12 February 1998 p.352]

Existing statement of significance

What is significant?

The Redesdale Bridge is a wrought iron and timber structure with bluestone abutments which was installed over the Campaspe River in January 1868, although the bridge actually bears the date 1867. In 1859, the “Herald of the Morning”, a ship carrying cargo including 350 tons of ironwork for the Hawthorn bridge, caught fire and was scuttled a quarter of a mile off the jetty at Sandridge. A Melbourne salvaging firm raised the ironwork from the bottom of the bay, but after details of an arranged sale to the government caused a scandal in Parliament, the material was sold privately to the Melbourne foundry Langlands & Co. Two hundred tons of it was sold to the goldfields shires of Mcivor and Metcalfe for only £1000. The bridge was designed by engineer TB Muntz and built by a contractor named Doran, and was completed late and significantly overbudget at £6274. The bridge spans 45.9m across the river and has two roadways which are carried between three metal lattice girders in a through truss configuration. The design for the Hawthorn bridge had the deck supported over the trusses, and to stiffen the through truss configuration three sets of distinctive paired arches connect the trusses above the roadways. The roadway decking is constructed of longitudinally placed timbers on timber cross girders which rest on the lower chords of the trusses.

The Redesdale Bridge is substantially intact, with recent replacement of the timber crossbeams and decking and an increase in the height of the arch trusses. A recent collision with a truck necessitated repairs to the trusses and abutments.

How is it significant?

The Redesdale Bridge is of scientific (technological), historical and aesthetic significance to the State of Victoria.

The Redesdale Bridge is of scientific (technological) significance as a rare example of an iron lattice triple through truss bridge with stiffening paired arches. The bridge, imported from England, is one of the oldest surviving metal truss bridges in the State and is an important illustration of early iron bridge construction techniques.

The Redesdale Bridge is of historical significance as a river crossing on the important route that linked the goldfields centres of Kyneton and Heathcote, for its connection with the Hawthorn Bridge and associated ship fire and parliamentary scandal.

The bridge is of aesthetic significance as one of the most visually distinctive bridges in Victoria, located above a broad and deep river valley.

Existing permit policy and permit exemptions

EXEMPTIONS FROM PERMITS:

(Classes of works or activities which may be undertaken without a permit under Part 4 of the Heritage Act 1995)

No permit required for routine maintenance of the Redesdale Bridge.

No permit required to replace like with like on the Redesdale Bridge.

Appendix 1

Heritage Council determination (section 49)

The Heritage Council is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its website under section 41.

Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place 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.