

Registration by the Heritage Council



Springthorpe Memorial
Boroondara Cemetery Kew [H0522]

This Information Leaflet tells you what registration by the Heritage Council means, what kinds of places are added to the Victorian Heritage Register and what the implications are for an owner. It explains how to nominate a heritage place for the Register, the decision-making process involved in registration and the difference between the Heritage Council, Heritage Victoria and the National Trust.

The document also explains how you can find out if a particular place is included in the Victorian Heritage Register.

What does registration mean?

All heritage places registered by the Heritage Council are:

- Considered to be of special cultural heritage significance to the State of Victoria
- Added to the Victorian Register
- Legally protected to help ensure they survive for future generations to appreciate
- Eligible for financial assistance from the Heritage fund

What kind of heritage places are added to the Victorian Register?

Heritage places and objects including buildings, gardens, structures, trees, remains or parts of a ship, archaeological sites, historic precincts, historic objects associated with a place, archaeological relics associated with a site, and shipwreck relics and protected zones.

The key is their level of significance and what they demonstrate about the history and development of Victoria. Only those items considered to be of special significance to Victoria are added to the Victorian Heritage Register.

What is the difference between Heritage Victoria and the Heritage Council?

Heritage Victoria is part of the Department of Planning and Community Development. Architects, conservators, archaeologists, historians, horticulturists and planners working with Heritage Victoria prepare reports for consideration by the Heritage Council on matters relating to registration, permits and financial assistance.

The Heritage Council is a ten-member independent statutory authority which acts as Victoria's main decision-making body on heritage issues. It is the Heritage Council that determines which heritage places are added to the Victorian Heritage Register, and acts as an appeal body for clients not satisfied with a decision of the Executive Director.

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The collection, including these specially bound volumes, is an important aspect of Briagolong Mechanics Institute (H0550).

What makes Heritage Council registration different from National Trust classification and inclusion in a Heritage Overlay?

Legal protection. Registration by the Heritage Council means a registered heritage place cannot be altered in any way without authorisation from the Executive Director. National Trust classification has no legal or binding effect upon an owner. However, inclusion on the Heritage Overlay for your Local Government Area also provides legal protection for places of local significance.

Do owners of registered places have to provide access to the public?

No. The Heritage Council recognises the privacy of owners of private property and the public has no special right of access to any registered property.

Who nominates heritage places for the Victorian Heritage Register?

Anyone can nominate heritage places and objects for addition to the Victorian Heritage Register. Most nominations come from heritage studies conducted by local councils or from community groups like the National Trust and local historical societies.

Do owners have a say in the registration process?

Yes. A place or object cannot be added to the Victorian Heritage Register before the Heritage Council seeks the views of the owner. Those opposing registration are given the opportunity to present their case directly to the Heritage Council.

What information are owners given?

If a heritage place or object is to be recommended for the Register, owners will be given a report which will include a statement of cultural heritage significance, proposed extent of registration, and any proposed permit exemptions.

Who decides which heritage places are added to the Victorian Heritage Register?

The Heritage Council. It is a three-step process:

1. The Executive Director makes a recommendation to the Heritage Council.
2. All recommendations are advertised in a metropolitan daily newspaper. The owners or any party with a substantial interest in the place or object have 60 days to make a submission to the Heritage Council should they wish to do so.
3. If the Heritage Council accepts the Executive Director's recommendation, the necessary documentation is signed and the building is added to the Register.



Marmalake/Murtoa Grain Store (H0791) is a rare surviving example of the 'stick shed' building type and reflects the growth of the grain industry and storage needs during World War II.



The Swing Bridge at Longford (H1438) near Sale has been restored and is regularly swung open.

Is the Minister for Planning involved?

Not necessarily. The Heritage Council adds heritage places or objects to the Victorian Heritage Register. However, if the Minister chooses, he or she can exercise a discretionary power to 'call in' any recommendation, after it has been advertised by the Executive Director and before it is determined by the Heritage Council, and decide on the outcome.

Is there any financial help for owners of registered places?

All places and objects included in the Victorian Heritage Register are potentially eligible for modest financial assistance from the Heritage Fund for urgent restoration and repair. Except in special circumstances, owners are expected to hold a property for five years before being eligible for assistance.

Are owners eligible for rate and land tax remissions?

Under special circumstances, the Heritage Council can recommend that the Treasurer remit land tax for a particular period and that the local council remit rates for a specified period to ensure that a registered place is conserved. In exchange, the Heritage Council will require that conservation works to the value of the remissions are undertaken during the period of remissions. This process requires approval of the Minister for Planning and the Treasurer, and in the case of municipal rates, the local council.

Can the Heritage Council force owners to restore their place or object?

Owners of registered places are not legally required to repair or restore the property to its original condition. In extreme circumstances where the survival of significant heritage is jeopardised by neglect or damage, the Heritage Council may be forced to issue a repair order. It is, however, in an owner's interests to carry out normal ongoing maintenance and repair work to protect the value of their property and to avoid expensive remedial work.

Is technical assistance available for owners?

Yes. Conservators, architects, planners, historians, archaeologist and horticulturists working with Heritage Victoria provide a free service to owners, advising on technical, economic or design problems or directing owners to an appropriate specialist. However, due to time constraints, this does not extend to preparing architectural drawings and documentation.

Does Heritage Council registration affect the property's ownership?

No. Although registration is noted on the property title, it does not mean the Heritage Council has any proprietary interest in the property.

Will the value of the property be affected?

Probably not. Some people fear that addition to the Victorian Heritage Register will reduce a property's value. Recent research suggests this is totally dependent on the type of property and on the planning and economic circumstances surrounding it. Your property may even increase in value because of the prestige associated with public recognition of its importance.

The David Jones registration covers stores on the north (H2153) and south (H2154) sides of Collins Street, Melbourne.





The 1859 Melbourne GPO (H0903) is now a retail and restaurant complex.

Is it harder to get insurance for a registered property?

Not necessarily. As the Heritage Council is unlikely to require an owner to rebuild or restore a place or object if it is severely damaged, items can usually be insured at no greater risk for the insurance company than for any other building or object.

Does the Heritage Council allow works and activities to be carried out to registered places and objects?

Yes. Registration by the Heritage Council does not stop a place or object from being altered, developed or excavated and owners are certainly not expected to live in outdated conditions. Owners considering changes should contact Heritage Victoria to see if a permit is required and to obtain a copy of our leaflet 'Works and Alterations to Registered Heritage Places and Objects.' More than 95 per cent of requests for permits to alter, develop or excavate a place on the Register are approved.

If a permit is required, talk to us at the earliest planning stages before submitting an application, as preliminary advice can often simplify the process.

A brochure with information specific to protecting archaeological heritage is available on request.

How can I find out if a particular place is listed on the Victorian Heritage Register?

To find out what is listed, you can search the Register on-line at www.heritage.vic.gov.au If you require a Certificate of Registration for legal purposes to identify the current status of a property, you can complete an Application form online at www.heritage.vic.gov.au at a cost of \$25. A Property Inquiry Application form is also available from Heritage Victoria and needs to include current title details and accurate address information for the property. Payment of \$25 should be made out to the Heritage Council of Victoria.

What does a Heritage Council certificate tell me?

It answers all the following questions about a building, place or object:

- is it on the Victorian Heritage Register, and if so, in which category?
- if it is not on the Register, has an application been made to put it on?
- is it currently under consideration for inclusion on the Register?
- is it subject to an Interim Protection Order, preventing damage or demolition while a survey of significance is being done? If so, what is the date of the Order?
- is the place or object included in the Heritage Inventory of places and objects of potential archaeological significance?
- is there an order in force to carry out repairs on that place? (Rare)
- is there an Order of the Supreme Court in force to remedy or restrain a breach of the Heritage Act 1995? (Even rarer)
- is it affected by a World Heritage Environs area?

How long do certificates take to be issued?

Online certificates are issued generally immediately or within 48 hours. Manual certificates take a maximum of two weeks from receipt of the application form, although in practice most are processed within two days.

Where can you obtain copies of the Victorian Heritage Register.

The Register is now online at <http://vhd.heritage.vic.gov.au/vhd/heritagevic>
For more information see www.heritage.vic.gov.au

For more information
contact Heritage Victoria:
(03) 8644 8800 or
www.heritage.vic.gov.au

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