

Statement of Recommendation from the Executive Director, Heritage Victoria

Borsari's Corner, VHR PROV H2475

201–203 Lygon Street, Carlton, Melbourne City

Wurundjeri 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 Borsari's Corner, located at 201-203 Lygon Street, Carlton, 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:

- Borsari's Corner 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: 13 July 2026

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 conduct a hearing in relation to the submission. The Heritage Council must conduct a hearing if a submission requests a hearing, and that submission is made by person or body with a real or substantial interest in the place, object or land.

If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

4. Obligations of owners of places, objects and land (sections 42, 42A, 42B, 42C, 42D and 43)

The owner of a place, object or land which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place, object or land.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place, object or land before entering into a contract.

5. Further information

The relevant sections of the Act are provided at the end of this report.

Description

Building

Borsari's Corner is a double-storey, Victorian-era shop building which occupies the southwest corner of Lygon and Grattan Streets in Carlton. The building is constructed of masonry and largely rendered and painted. On the lower level, the elevations to both Grattan Street and Lygon Street feature large shop windows. On the upper level, there is a series of evenly spaced sash windows, decorative pilasters and a plaster cornice. An extensive verandah occupies the length of the building on both Grattan Street and Lygon Street, and extends to the curb. The verandah retains a decorative iron frieze, lamps and is supported by cast iron columns.

There are also minor modern additions on the exterior of the building, such as awnings, air conditioning units and signage. The building has been used as a restaurant since the 1990s and the interior has been substantially refitted to accommodate this use.

Signs

On the chamfered corner of the building there are two c1940s neon signs. The larger and lower of the signs is rectangular and approximately 2 metres high and 1 metre wide. This sign depicts Nino Borsari on his bicycle with the words 'Ex-Olympic Champion' in red. A painted background image of Borsari on his bicycle is highlighted by green, yellow, blue and white neon. Above this sign, and attached the parapet, is a smaller sign which has the words 'Borsari's Corner' in red neon, and the Olympic rings above. The two signs are regularly illuminated and are highly visible from various vantage points.

Description images



2026, Borsari's Corner in context, Source: Heritage Victoria.



2026, Borsari's Corner viewed from Grattan Street, Source: Heritage Victoria.



2026, Borsari's Corner viewed from Lygon Street, Source: Heritage Victoria.

History

Statement of Country

The Wurundjeri people have an unbroken connection to the land and waters to the north, east and west of Melbourne from time immemorial.

The Yoorrook Justice Commission (2025) has recorded how British colonisation caused irreparable damage to First Peoples in Victoria through the dispossession of Country, massacres, the introduction of diseases, confinement on missions and reserves, forced labour, the separation of families, and ongoing policies and practices that have resulted in systemic injustice.¹ This dispossession and marginalisation of Aboriginal people was particularly rapid in and around inner Melbourne in the decades immediately following British occupation.

This area of Melbourne remains an important place for Aboriginal people, who continue to live, work, and practise culture in Carlton and surrounds.

Italian migration to Victoria

The first migrants from the regions known as Italy from 1861, were present in Victoria from the earliest years of colonisation. Migration increased with the gold rush in the 1850s, and places such as the Macaroni Factory in Hepburn Springs (VHR H0407) were established in this period. In the interwar period, Italian migrants to Victoria established restaurants and other institutions that would become important to Victoria's cultural development, including Mario's in Exhibition Street and the Café Florentino in Bourke Street (VHR H0493). Italians predominantly settled in Melbourne, typically living in and around Carlton.²

The presence of Italians in Victoria was complicated by Italy's entry into World War II on 10 June 1940. As "enemy aliens", Italians were subject to a series of restrictions and anti-Italian sentiment grew.³ The Federal Government introduced legislation to enable the internment of civilians believed to pose a threat to national security. This included thousands of German, Italian and Japanese civilians residing in Australia at the outbreak of the war who were interned in camps in locations such as Tatura and Rushworth. This period is reflected in the Tatura War Camps Collection (VHR H2373) and the Italian Ossario in Murchison (VHR H2405).

Government attitudes changed markedly following World War II. In 1947, at the encouragement of the International Refugee Organisation, the Federal Government's immigration scheme, which initially covered only British migrants, was expanded to include non-British European migrants. Concurrently, the Italian government encouraged emigration, and nearly six million people left Italy between 1946 and 1965.⁴ In 1951, the Australian and Italian governments negotiated an assisted migration scheme (although many Italian migrants ultimately emigrated without government assistance, and some did so with the support of friends and family). Through the 1950s and 1960s, the Italian-born population of Victoria increased dramatically. Across Victoria, between 1947 and 1971, the number of people born in Italy increased from 8,000 to 121,000.⁵ The population included people from many regions of Italy, including Sicily, Calabria and Abruzzo.

Keeping pace with the growing number of residents of Italian background, Italian grocers, espresso bars and other businesses developed in Carlton, particularly along Lygon Street. Some of these businesses became 'landmarks or destinations in their own right', including Borsari's Corner.⁶ They were not just places to purchase familiar goods, but to access news, swap information, socialise and speak Italian. Carlton remained a focus for the various groups that had emigrated from Italy and became the 'first and best known "Little Italy" in Australia'.⁷ In the suburb alone, the number of people from Italy rose from 800 in the mid-1940s to 5000 by 1960.⁸

¹ Yoorrook Justice Commission, *Truth be Told*, 2025, <https://www.yoorrook.org.au/reports-and-recommendations/reports/yoorrook-official-public-record>.

² Laura Mecca and Maria Tence, 'Italians', eMelbourne, <https://www.emelbourne.net.au/blogs/EM00767b.htm>.

³ Mecca and Tence.

⁴ Elizabeth Broughton, 'Nino Borsari', *Italian Historical Society Journal*, January/June 2003, p. 29.

⁵ Mecca and Tence.

⁶ Lovell Chen and Extent Heritage, *Carlton Heritage Review: Thematic Environmental History*, 2019, p. 17.

⁷ Celestina Sagazio, 'A Lasting Impact: the Italians', *Carlton: A History*, Peter Yule (ed), Carlton: Melbourne University Publishing, 2005.

⁸ Lovell Chen and Extent Heritage, p. 16.

From the early 1970s onward, as Italy's economy improved, emigration slowed.⁹ Concurrently, demographics changed in inner-suburban areas like Carlton, and many who had migrated from Italy, along with their descendants, prospered and moved to suburbs farther from the city. Postwar migration from Italy has radically changed the cultural life of Victoria and greatly influenced diverse realms including food, architecture, sport and entertainment. As of 2026, there are 385,000 Victorians with Italian ancestry.¹⁰

Nino Borsari

Nino Borsari (1911–1996) was an Olympic cyclist, entrepreneur and community leader whose activities in Melbourne made him a prominent figure in the Italian-Australian community in Victoria.¹¹ Born in Cavezzo near Modena, Borsari first achieved recognition as a cyclist, winning a gold medal for Italy in the 4,000-metre team pursuit at the 1932 Olympic Games. He later competed internationally and visited Australia in the 1930s, where he became known to local audiences through major cycling events. In March 1940, Borsari again visited Australia to compete in cycling events and was still in the country when Italy entered the war in June of that year. Italian nationals were from that point classed as enemy aliens, and Borsari was investigated by intelligence officers. He was not interned, but was unable to compete in cycling events and was forbidden from leaving Australia.¹² Borsari stayed in Melbourne and in 1941 established a bicycle shop at the corner of Lygon and Grattan streets in Carlton – an achievement at a time when freedoms for Italian nationals were curtailed in Australia. He was reportedly warned against attaching his Italian name to the store, but nonetheless gave his name to the business.¹³

Borsari was active in organised sport and recognised its potential for community cohesion. Along with his wife, Fanny (née Cester), an opera student who had migrated from Italy in 1939, he was involved in establishing the Juventus Soccer Club in 1948 and subsequently served several terms as President, and was named a patron of the Victorian Soccer Federation.¹⁴ In 1952, he established the International Cycling Club in Melbourne, founded the Basketball Team Club of Victoria and was active in the League of Victorian Wheelmen. He became founding President of the Australian Boxing Federation in 1967.¹⁵ Both he and Fanny were involved with a wide range of charitable activities in the 1950s and 1960s.

His contributions to sport and as a community leader were formally recognised in 1962 when he was appointed a Knight of the Order of Merit of the Italian Republic. His life and achievements have been celebrated in both Italy and Australia on exhibitions and documentaries.¹⁶ His business activities, community leadership and promotion of sports contributed to his standing within Melbourne's Italian community and to the development of Carlton as a centre of Italian cultural life in Victoria. His wide-ranging achievements are detailed in his entry in the [Australian Dictionary of Biography](#).

Borsari's Corner and neon signs

Following World War II, Borsari's store expanded and continued to sell bicycles alongside a wide range of goods imported from Italy. As the publication *Per L'Australia: The Story of Italian Migration*, describes, the Borsari (or Borsari's) Emporium was:

*'The first shop of its kind in the country catering to a predominantly Italian-speaking clientele, it specialised in jewellery, household items, sporting equipment and imported Italian magazines and newspapers.'*¹⁷

Fanny was integral to the running of the emporium.¹⁸ It was both a successful commercial enterprise and an important meeting point for Melbourne's growing Italian population. The prominent neon signs, which featured Borsari on a bicycle, were installed on the building in the late 1940s.¹⁹ As the Italian population in the area grew throughout the 1950s, the

⁹ Julie Church, *Per L'Australia: The Story of Italian Migration*, Carlton, Vic: Miegunyah Press, 2005.

¹⁰ Victorian Government, Italian Community Profile, <https://www.vic.gov.au/italian-community-profile>.

¹¹ This biography is largely drawn from Nino Borsari's entry in the Australian Dictionary of Biography, except where otherwise indicated. See: Ilma Martinuzzi O'Brien, 'Borsari, Nino (1911–1996)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <https://adb.anu.edu.au/biography/borsari-nino-30065/text37305>, published online 2020, accessed online 1 July 2026.

¹² Broughton, p. 28.

¹³ Stephen Banham, *Characters: Cultural stories revealed through typography*, Port Melbourne: Thames and Hudson, 2017, p. 75.

¹⁴ Broughton, p. 30.

¹⁵ Broughton, p. 30.

¹⁶ See, for example, 'Nino Borsari', Museo Virtuale Dell'Emigrazione Emiliano-Romagnola Nel Mondo, <https://www.migrer.org/storie/nino-borsari/>.

¹⁷ Julie Church, *Per L'Australia: The Story of Italian Migration*, Carlton, Vic: Miegunyah Press, 2005.

¹⁸ Broughton, p. 30.

¹⁹ Banham, p. 75.

location served as an important hub, contributing to the consolidation of Lygon Street as a centre of Italian commercial and social activity in Melbourne. A profile on Carlton in *The Australian Women Weekly* in 1958 observed that:

*'A thriving Italian community centres on the Grattan and Lygon Street corners, springing from the fatherly interest shown to all by former Italian Olympic cyclist Nino Borsari, who runs a very mixed business. Nino acts as general benefactor and adviser to all.'*²⁰

By the early 1960s, Borsari's business had expanded again and bicycles and sports equipment were moved to an adjacent store dubbed 'Borsari's Bicycle and Sports Centre'.²¹ The Borsari Emporium operated until the early 1990s, after which it was converted into an Italian restaurant.

Electric signage

The first electric signs appeared in the late nineteenth century and were illuminated by electric light bulbs. A relatively early surviving example is the Sailors' Rest sign in Geelong (VHR H2338). The emergence of neon lighting in the early twentieth century created new possibilities for signage. Formed by tubes containing neon gas, neon lights could be produced in any shape, including words, and in a range of colours. The first examples appeared in Victoria in the 1920s, and the signage technology rapidly gained in popularity, being particularly associated with cinemas, theatres, factories and automotive garages.²² The 'heyday of neon' was from the 1930s-1950s and several examples from this period, including the PELACO sign (VHR H1149), are included in the VHR. Other iconic neon signs, such as the Allen's Sweets sign in Southbank and Shell Petroleum's 'Tumbling Dice' at St Kilda Junction, have now been demolished; others are no longer illuminated following lack of maintenance. The 2002 *Historic Electric Signage in Victoria* report, produced by Heritage Alliance, identifies the Borsari's Corner sign as being of potential State-level heritage significance.²³

Selected bibliography

Online resources

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Church, Julie, *Per L'Australia: The Story of Italian Migration*, Carlton, Vic: Miegunyah Press, 2005.

Sagazio, Celestina, 'A Lasting Impact: the Italians', *Carlton: A History*, Peter Yule (ed), Carlton: Melbourne University Publishing, 2005.

²⁰ 'Carlton – a place for drama', *The Australian Women's Weekly*, 22 October 1958, p. 13.

²¹ Broughton, p. 29.

²² Heritage Alliance, *Historic Electric Signage in Victoria*, 2002, p. 6.

²³ Heritage Alliance, *Historic Electric Signage in Victoria*, 2002, p. 27.

Historical images



1935, Olympic champion Nino Borsari, Source: Italian Historical Society Journal, January/June 2003.



c1932, portrait of Nino Borsari, Source: <https://sitodelciclismo.com/>



1956, Borsari (left) with members of the Italian Olympic team in front of Borsari Emporium, Source: Italian Historical Society Journal, January/June 2000.



1958, Borsari and his store pictured in a story about Carlton in the Australian Women's Weekly. The caption reads 'Hub of the Italian community is the corner shop of Nino Borsari'. Source: The Australian Women's Weekly, 22 October 1958.



1950-60, Borsari's Corner with signage in place, Source: State Library of Victoria.



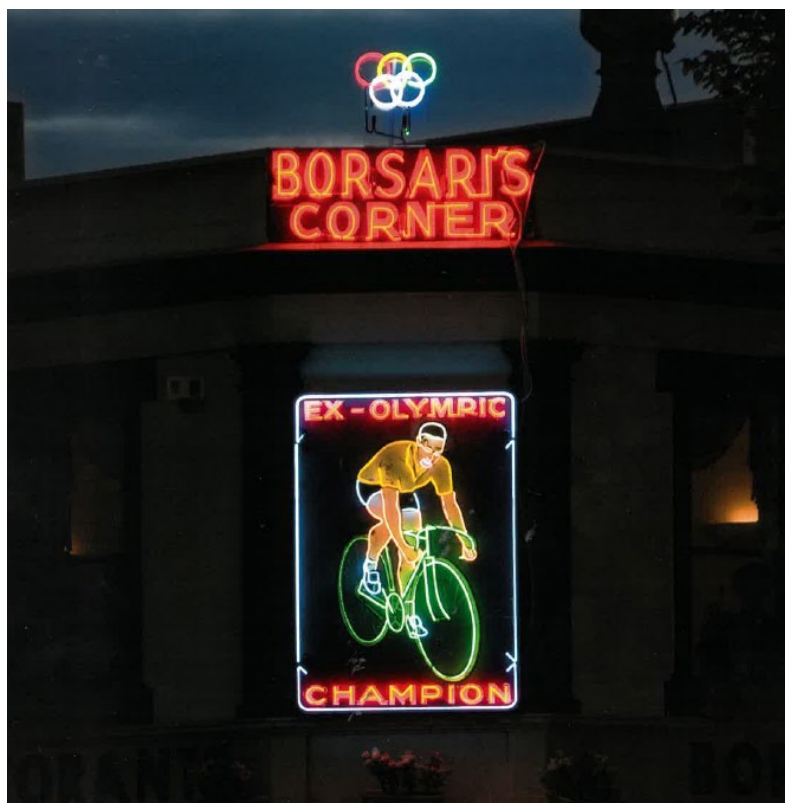
1960, interior view of the Borsari Emporium, Source: 'Nino Borsari', Italian Historical Society Journal, January/June 2003.



1960s, Fanny and Nino Borsari celebrate with staff in the emporium, Source: Italian Historical Society Journal, July/December 1996.



1985, Borsari's Corner as photographed in the Carlton Conservation Study. Borsari's Bicycle and Sports Centre is visible in the background. Source: Nigel Lewis and Associates, Carlton Conservation Study, 1985.



2011, Borsari's Corner signs as photographed by Tim Flurence, Source: Banham, Stephen, Characters: Cultural stories revealed through typography, Port Melbourne: Thames and Hudson, 2017.

Further information

Registered Aboriginal Party information

Borsari's Corner is located on Wurundjeri Country.

Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.

Integrity

The integrity of the place is very good. The cultural heritage values of Borsari's Corner can be easily read in the extant fabric. There have been changes to the rear of the building, including the construction of two new shop fronts to Lygon Street. This has not diminished the integrity of the corner portion of the building, which resembles its appearance when occupied by Borsari. The place's values are most apparent in the two neon signs, which are closely associated with Borsari and enable the place's ties to postwar Italian migration to be readily understood. These values are no longer apparent in the building's interior, which has been remodelled and adapted for use as a restaurant.

(3 June 2026)

Intactness

The intactness of the place is good. The exterior of the buildings appears largely intact and, its presentation as a Victorian-era corner shop with verandah remain in place. Importantly, the two neon signs attached to the chamfered corner of the building appear intact. The interior appears to have been substantially altered.

(3 June 2026)

Condition

The condition of Borsari's Corner is very good. The building is occupied and used, and the signs are functioning. The 2002 *Historic Electric Signs* report by Heritage Alliance noted that the signs had been 'recently revived'.

(3 June 2026)

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.

Heritage Overlay

The place is currently within HO1 (Carlton Precinct) of the Melbourne Planning Scheme, where it is identified as significant.

Other Listings

The place was classified by the National Trust in 1989 as 'Borsari's' (65312).

Other Names

- Borsari's
- Borsari Emporium
- Borsari's Emporium
- Borsari's Corner Sign

Date of construction/creation

Building: c1870s.

Neon signs: c1940s.

Architect/Builder/Designer/Maker

There are no known architects/makers for the place or the signs.

Statutory requirements under section 40

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

The Executive Director recommends that Borsari's Corner is included in the VHR.

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

Number: PROV VHR H2475

Category: Registered place

Name: Borsari's Corner

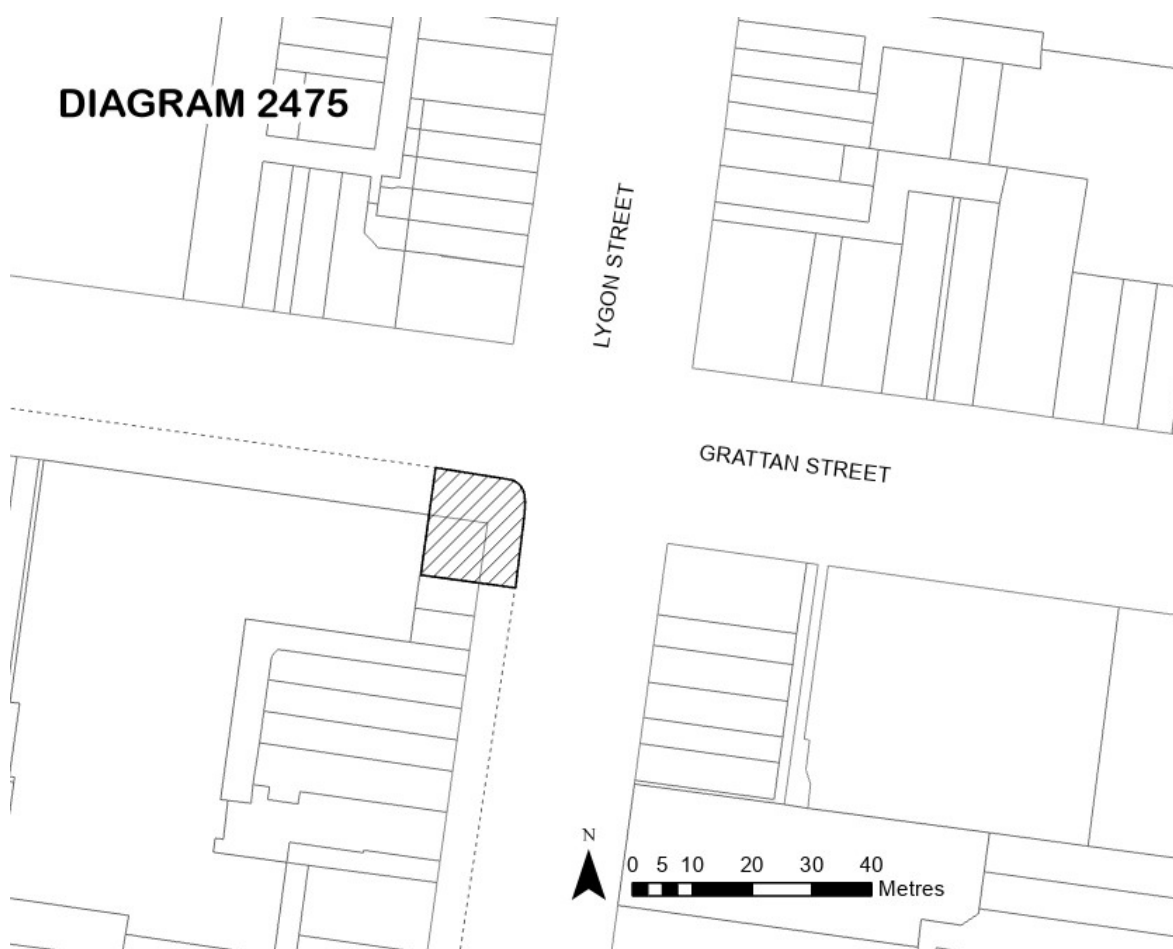
Location: All of the place shown hatched on Diagram 2475 encompassing all of Lot 1 on Plan of Subdivision 305888 and part of the road reserves of Lygon Street and Grattan Streets to the extent of the footpath to the curb.

Municipality: Melbourne City

Proposed extent of registration

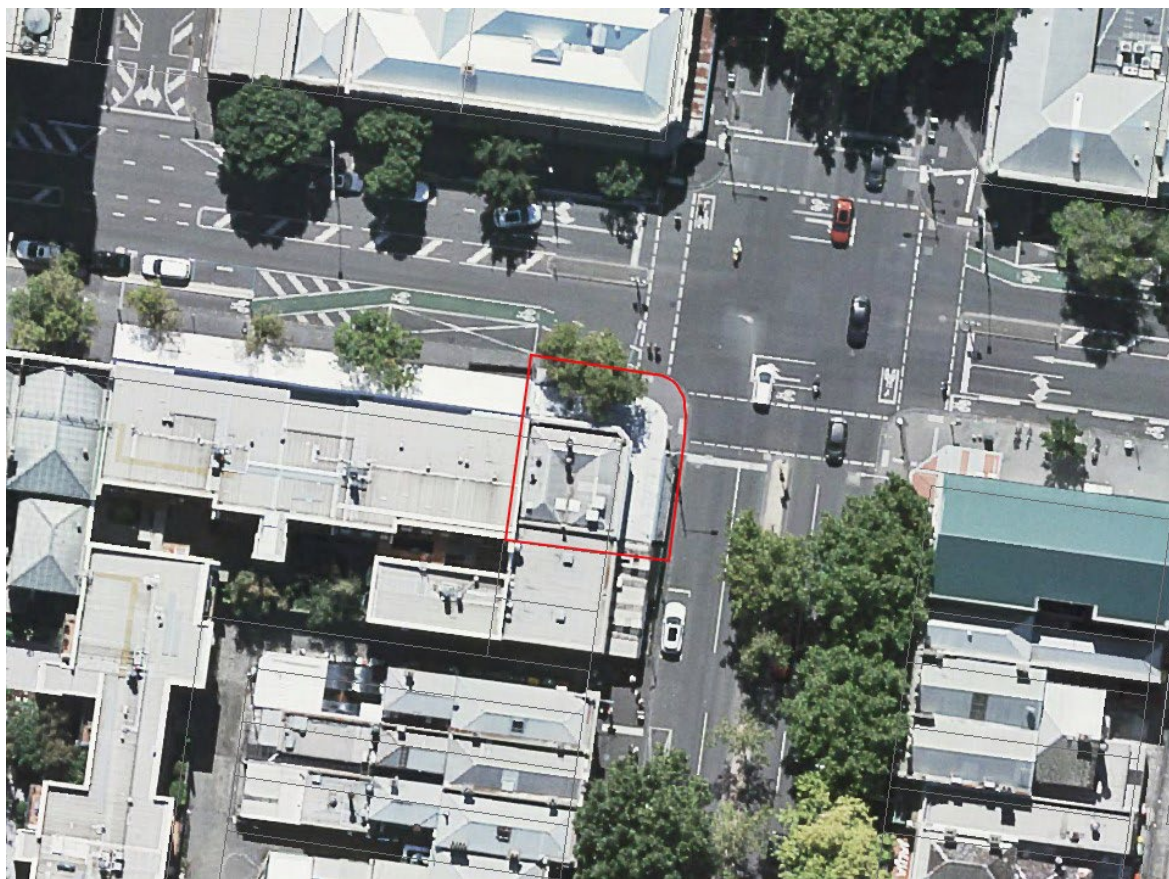
The Executive Director recommends that the extent of registration for Borsari's Corner be gazetted as:

All of the place shown hatched on Diagram 2475 encompassing all of Lot 1 on Plan of Subdivision 305888 and part of the road reserves of Lygon Street and Grattan Streets from the building façade to the kerb.



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 all of the land parcel referred to as Lot 1 PS305888 and the land within the road reserves of Lygon Street and Grattan Street from the property line to the kerb. This includes the building (exterior, interior and verandah), the neon signs, and the pavement from the building facade to the kerb. Although the signs are the most significant part of the place, it is necessary to include the building to provide for the protection of the signs, and to avoid creating management complications (for example, the need to apply to both Heritage Victoria and the City of Melbourne for heritage permits).

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

It should be noted that everything included in the proposed extent of registration including all of the land, all hard landscape features, and all of the building (exteriors, interiors, fixtures and verandah) 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 Borsari's Corner against the tests set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State level threshold for inclusion in the VHR.

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

Step 1 Test for Criterion A

No.	Test	Yes/No	Reason
A1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	The place has a clear association with postwar Italian migration.
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	This historical phase has made a strong and influential contribution to Victoria. Until the postwar period, migrants to Victoria had been predominantly from Britain. In the peak decades of the 1950s and 1960s, around 110,000 people emigrated from Italy and settled in Victoria. Italians were among the largest migrant groups in postwar Victoria and shaped the cultural history of the state from the 1950s onwards.
A3)	Is there evidence of the association to the event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	There is evidence of the association between the place and this historical phase. This is in documentary evidence, which describes the use of the place during the phase. It is also in the physical fabric of the building, which externally has much the same appearance it had during the period. Importantly, the building retains two neon signs that clearly identify it with the phase.

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

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

No.	Test	Yes/No	Reason
SA1)	Does the place/object allow the clear association with the event, phase, period, process, function, movement, custom or way of life of historical importance to be understood better than most other places or objects in Victoria with substantially the same association?	Yes	Borsari's Corner is a particularly evocative symbol of the influence of Italian migration in the postwar period. The building is where Nino Borsari established his emporium in 1941, when wartime restrictions were imposed on Italian nationals. A range of goods imported from Italy was sold from the emporium, which became a hub for Melbourne's growing Italian community. The place is distinctive for its two neon signs, installed by Borsari in the 1940s. They clearly identify the place and link it to the phase and to Borsari (see Criterion H).

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/object 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 postwar Italian migration, as explored above and A1.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	There is evidence of the association between the place the historical phase, as above at A3.
B3)	Is there evidence that place/object is rare or uncommon, or has rare or uncommon features?	No	B3(i) There is no evidence that the place is rare or uncommon. The double-storey shop building is of a type common in the nineteenth-century suburbs of Melbourne, as well as places like Bendigo and Geelong. B3(ii) There is no evidence the place has rare or uncommon features. The neon signs are a notable feature, and will be addressed under Criterion D.

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:	No	Criterion B is not likely to be relevant.
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CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Step 1 Test for Criterion C

No.	Test	Yes/No	Reason
C1)	Does physical fabric and/or documentary evidence and/or associated oral history or cultural narratives relating to the place/object indicate a likelihood that the place/object contains evidence of cultural heritage significance that is not currently visible and/or well	No	The: 1) physical fabric and 2) documentary evidence and 3) associated oral history or cultural narratives. relating to Borsari's Corner 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.

understood or available from other sources?

- C2)** And, from what we know of the place/object, is the physical evidence likely to be of an integrity and/or condition that it could yield information through detailed investigation?
- N/A

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.

CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects

Step 1 Test for Criterion D

No.	Test	Yes/No	Reason
D1)	Is the place/object one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's history?	Yes	Two classes are relevant to the consideration of Borsari's Corner: a) Victorian-era shop buildings b) Neon signs. Both are associated with phases and functions in Victoria's history.
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	Both classes are associated with phases and functions of historical importance. a) Victorian-era shop buildings are associated with the growth of retail culture in nineteenth-century Victoria. b) Neon signs are associated with the history of advertising and promotion.
D3)	Are the principal characteristics of the class evident in the physical fabric of the place/object?	Yes	The principal characteristics of both classes are evident in the physical fabric of the place. a) The building demonstrates the principal characteristics of the class – it is on a prominent corner site, and features large shop windows and a wide verandah. b) The neon signs demonstrate the principal characteristics of neon signs – they are in a prominent location designed to promote a business and comprise images and text crafted in tubes lit by coloured neon gas.

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.

Step 2 State-level test for Criterion D

No.	Test	Yes/No	Reason
SD1)	Is the place/object a notable (fine, influential or pivotal) example of the class in Victoria?	Yes	a) Victorian-era shop building Borsari's Corner is not a notable example of the class of Victorian-era shop building. It is typical of the class and an important feature of the local streetscape, but it lacks characteristics that would cause it to be considered fine, influential, or pivotal. b) Neon sign A fine example The Borsari's Corner neon signs are a fine example. They display a wide range of class characteristics through their integration of image and text in multiple colours. They are in a prominent location and are still lit, enabling the class to be well understood. <u>and</u> The Borsari's Corner neon signs display characteristics that are of a higher quality or historical relevance than are typical of places/objects in the class. They feature a detailed rendering of Borsari on his bicycle in multiple colours. They are finely designed and strong example of the craft of neon sign making. Installed in the 1940s, they date from the 'heyday' of neon signage in Victoria and can be considered a historically relevant example. The neon signs at Borsari's Corner were identified as being of potential State-level cultural heritage significance in the <i>Historic Electric Signage in Victoria</i> report produced by Heritage Alliance (2002) and recommended for inclusion in the VHR.

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/object clearly exhibit particular aesthetic characteristics?	Yes	The physical fabric of the place clearly exhibits aesthetic characteristics particular to Victorian-era shop buildings and neon signs.

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: - Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or - Critical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/or - Wide public acknowledgement of exceptional aesthetic qualities of the place/object in Victoria expressed in publications, print or digital media, painting, sculpture, songs, poetry, literature, or other media?	Yes	There is no evidence that the aesthetic characteristics at the place are 'beyond the ordinary' or are outstanding. The Borsari's Corner signs are a prominent feature of the location and are often photographed, particularly at night. This speaks to the function and appeal of neon signs but cannot be considered evidence of outstanding aesthetic characteristics.

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

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

Step 1 Test for Criterion F

No.	Test	Yes/No	Reason
F1)	Does the place/object contain physical evidence that clearly demonstrates creative or technical	No	Borsari's Corner does not contain physical evidence that clearly demonstrates creative or technical achievement for

	achievement for the time in which it was created?		the time in which it was created. Neon signage was well established by the 1940s.
F2)	Does the physical evidence demonstrate a high degree of integrity?	NA	
If <u>both</u> F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)			
Executive Director's Response:		No	Criterion F is not likely to be relevant.

CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons

Step 1 Test for Criterion G

No.	Test	Yes/No	Reason
G1)	Does the place/object demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here:		
i)	Existence of a community or cultural group; <u>and</u>	Yes	There is evidence that a community or cultural group exists, being members of Victoria's community who have associations with postwar migration from Italy.
ii)	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	No	The association of this cultural group with the location was stronger in the past than it is today. The place was likely of social significance from the 1940s until the 1990s when the building was occupied by Borsari and functioned as a place for members of the community to connect with others, purchase familiar goods from home and access news and information. Following conversion to a restaurant in the 1990s, there is little evidence the place retains this form of social significance.
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/object have a direct association with a person, or group of	Yes	H1(i) There is a direct association between Borsari's Corner and Nino Borsari.

	persons who has made a strong or influential contribution in their field of endeavour?		Nino Borsari was a champion cyclist, prominent businessperson and community leader. There is a direct association with the subject site which was the location of his business. H1(ii) Borsari has made a strong or influential contribution in their field. After settling in Melbourne in the 1940s, and with wife Fanny, he played a prominent role in Melbourne's growing Italian community and in sports, business, philanthropy and community welfare.
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	There is documentary evidence of an association between Borsari's Corner and Nino Borsari, as well as neon signage attached to the place.
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/object?	Yes	H3(i) The association between Borsari's Corner and Nino Borsari relates directly to his achievements. It was the location of the bicycle store Borsari opened in 1941, during a time when restrictions were placed on Italian nationals. The business grew into a successful emporium catering for Melbourne's growing population of Italian migrants following World War II. H3(ii) The association relates to a close and enduring interaction between the Borsari and Borsari's Corner. Borsari opened the store in 1941 and the location has been readily associated with him since that time.
If <u>all facets</u> 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.

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 and works of Borsari are important in Victoria's history. He established a successful business in Victoria amidst World War II, when conditions for Italian Australians were particularly challenging. This business, run with wife Fanny, grew to become an important hub for the growing Italian population in Melbourne. Borsari was a well-known, energetic and respected community with multiple interests in professional sport, community organisations, and philanthropy. He was awarded an Order of Merit of the Italian Republic in 1962 in recognition of his contribution, and has been featured in several documentaries and exhibitions. His achievements are recorded in his entry in the Australian Dictionary of Biography.

SH2)	Does this place/object allow the association between the person or group of persons and their importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria?	Yes	The place allows the association between Borsari and his importance in Victoria's history to be readily appreciated more than most other places or objects in Victoria. The location bears his name in its distinctive neon signage. Depicting Borsari on a bicycle, the signage speaks directly to his achievements as a sportsman, from which he built a reputation as a business and community leader.
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If SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion H is likely to be relevant at the State level.
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Comparisons

The following were selected as comparators to Borsari's Corner because they share similar historical associations with Italian migration, or share a class being important to the assessment of the place, being electric signs.

Places associated with Italian migration in the VHR

FORMER MACARONI FACTORY

64 MAIN ROAD, HEPBURN SPRINGS, HEPBURN SHIRE

VHR H0407

The former Macaroni Factory is of historic, aesthetic and architectural significance to the State of Victoria. It was established in 1859 by brothers Giacomo and Pietro Lucini, who were forced to migrate to Melbourne as political refugees in the 1850s. Pietro established a bakery in Spring Creek (Hepburn Springs), supplying macaroni, salami and sausages to the large Italian and Swiss population in the Hepburn-Yandoit area. The former Macaroni Factory is aesthetically significant for its interior decorative scheme. The former Macaroni Factory is historically significant as evidence of non-British European migration to the goldfields of Victoria. Internally, it retains impressive murals.



CAFÉ FLORENTINO

78-84 BOURKE STREET, MELBOURNE, MELBOURNE CITY

VHR H0493

The Cafe Florentino buildings are of historical significance to the State of Victoria. Originally constructed as shop buildings, they were used as a 'wine café' from around 1900. The Massoni family owned the building from 1928, when they developed it into Florentino Café, a leading Italian restaurant.



ITALIAN OSSARIO

21 OLD WEIR ROAD, MURCHISON, GREATER SHEPPARTON CITY

VHR H2405

The Italian Ossario is of historic and social significance to the State of Victoria. Developed in stages from 1958 to 1974, it is significant as one of two foreign war cemeteries established in Victoria after the end of World War II and the only war cemetery in Australia dedicated to Italian civilian internees and Prisoners of War. The Italian Ossario is socially significant for its longstanding relationship with the Italian community in Victoria.



"AQUA PROFONDA" SIGN, FITZROY POOL

ALEXANDRA PARADE, FITZROY, YARRA CITY

VHR H1687

The 'Aqua Profonda' sign is of social and historical significance to the State of Victoria. The sign was painted in c. 1953-54 at the initiative of the pool manager, James Murphy, who frequently rescued migrant children from the deep end of the pool. Mr Murphy asked an Italian friend what the words for "deep water" were in Italian and had them painted at the deep end. "Aqua" is actually a misspelling of the Italian word: the correct spelling is "acqua" ("aqua" is the Latin spelling). The sign has historical significance for its associations with the post-war migration program which had such a profound impact on the Victorian community.



Electric signs in the VHR

SKIPPING GIRL NEON SIGN

651-653 VICTORIA STREET, ABBOTSFORD, YARRA CITY

VHR H2083

The Skipping Girl Sign is of social and historical significance to the State of Victoria. The current sign was erected in 1970 as a replica of the original 1936 sign. The original was believed to be Melbourne's earliest animated neon sign. The Skipping Girl Vinegar sign is of historical significance as one of an important collection of signs marking Victoria's industrial heritage in Richmond. Richmond has the greatest concentration of surviving sky-signs in the state, which includes the Nylex, Victoria Bitter, Slade Knitwear and Pelaco signs. The Skipping Girl sign is of social significance as a popular landmark which is referred to in popular culture, and is often included in lists of Melbourne landmarks and icons.



SAILORS' REST ELECTRIC SIGN

3 MOORABOOL STREET, GEELONG, GREATER GEELONG CITY

VHR H2338

The Sailors' Rest Electrical Sign is of historical significance to the State of Victoria. It was mounted on the parapet of The King Edward VII Sailors' Rest building in 1926. The sign consists of galvanised steel trough letters containing light bulbs spelling "SAILORS' REST." The Sailors' Rest Electric Sign is historically significant as a rare surviving original electric bulb sign in Victoria. Bulb signs were the first type of electric signage, preceding neon signage.



PELACO SIGN

21-31 GOODWOOD STREET, RICHMOND, YARRA CITY

VHR H1149

The PELACO sign is of historical and social significance to the State of Victoria. The PELACO Sky Sign was erected in 1939 on top of the PELACO Company's factory and is a large double sided sky sign with individual box letters illuminated in neon. It is historically significant for its associations with PELACO and as an early surviving neon sign. The landmark status of the sign is enhanced by its prominent position on Richmond Hill and its high degree of visibility from both sides whether illuminated or not.



NYLEX SIGN

2 GOUGH STREET, CREMORNE, YARRA CITY

VHR H2049

The Nylex sign is of social and historical significance to the State of Victoria. Erected in 1961 on top of the No. 2 Silos of the Richmond Maltings, Gough St, Richmond, the Nylex Sign is a double-sided sky-sign mounted on a cross braced frame of steel L-section angle, approximately 15m high. These large sky-signs which used to be a prominent feature of the Melbourne skyline are increasing in rarity with the demolition of other notable signs. The Nylex sign is of social significance for its landmark qualities.



Summary of Comparisons

Despite the scale and impact of postwar migration from Italy on Victoria's history and cultural life, there are very few places and objects included in the VHR that represent this phase. The Macaroni Factory speaks to an earlier phase of migration than Borsari's Corner. The Italian Ossario and Aqua Profonda sign are more directly related to the war and postwar periods, and demonstrate important aspects of the specifically Italian migrant experience. Borsari's Corner is similar in its ability to demonstrate the influence of Italian migration to Victoria in the postwar period, particularly in its evocative signage, which shares characteristics with the "Aqua Profonda" Sign.

Several significant electric signs are included in the VHR. Registration of electric signs has generally focused on landmark examples that reflect the industrial character of areas such as Richmond. The signs at Borsari's Corner represent different qualities and historical associations. While they are not comparable in size to registered signs such as the Nylex Sign, they are finely designed and richly coloured. Their interesting design and depiction of Borsari and his name provide an explicit link to Victoria's history of migration from Italy and to Borsari himself.

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

Statement of significance

Borsari's Corner is located on Wurundjeri Country.

What is significant?

Borsari's Corner is a Victorian-era shop building where Nino Borsari opened a bicycle store in 1941 that grew to become the Borsari Emporium, which sold a range of goods for Melbourne's growing Italian community. This use is represented by two neon signs on the corner of the building: the larger sign depicts Nino Borsari on his bicycle and the words 'ExOlympic Champion'. Above is a smaller sign which has the words 'Borsari's Corner' in red neon, and the Olympic rings.

How is it significant?

Borsari's Corner 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 D

Importance in demonstrating the principal characteristics of a class of cultural places and objects

Criterion H

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

Why is it significant?

Borsari's Corner is historically significant as an evocative symbol of Italian migration to Victoria in the postwar period. It marked the location of the Borsari Emporium, which Nino Borsari established in 1941, originally selling bicycles. The store expanded in the postwar decades to offer a wide range of imported goods, including homewares, jewellery, and Italian magazines and newspapers. It became a hub for Melbourne's growing Italian community, which rapidly increased in the 1950s and 1960s. [Criterion A]

Borsari's Corner is significant for its neon signs, which are notable examples in Victoria. The multicoloured signs, one of which depicts Borsari riding a bicycle, are finely designed and impressive examples of the craft of neon sign-making. The signs are still functioning and can be readily appreciated. Dating from the heyday of neon between the 1930s and 1950s, they are important examples of historic neon signage in Victoria. [Criterion D]

The Borsari's Corner is significant for its association with prominent sportsperson, businessperson and community leader Nino Borsari. Borsari was a champion cyclist who won a gold medal for Italy at the 1932 Los Angeles Olympics. He visited Australia to compete in cycling events in March 1940, and was not interned despite Italy entering the war in June 1940. He opened a bicycle store on the corner site in Carlton in 1941. With his wife Fanny, he expanded the business in the postwar years, making it a hub for Melbourne's Italian community. He and Fanny helped establish multiple sporting clubs and assisted in numerous community organisations and philanthropic causes. Borsari was an important figure during the period of large-scale Italian migration to Victoria and is recognised in both Victoria and Italy as a leader within the Italian-Australian community in the second half of the twentieth century. [Criterion H]

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 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 *Heritage Act 2017*.

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 Borsari's Corner. 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

Building

Exterior

1. Repair and removal of extraneous items attached to the building, such as ductwork, pipework, café awnings, wiring, aerials, air conditioner units, signage (excluding the neon signs) and the like.
2. Replacement of modern signage (excluding the neon signs) provided it is of the same scale, in the same location and is not illuminated.
3. Repair and removal of extraneous modern items occupying the pavement, such as perspex café barriers.

Interior

4. All works to the building interior.

Pavement

5. Works to the surface of the pavement, including patching, installation of tactile markers and the like.
6. Subsurface works to the pavement area, provided the surface is reinstated.
7. Works to traffic lights and traffic poles.

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 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.