

Statement of Recommendation from the Executive Director, Heritage Victoria

St John's Anglican Church, VHR H0197

1 Burgundy Street, Heidelberg, Banyule City

Wurundjeri Country



Executive Director recommendation

I recommend to the Heritage Council of Victoria (**Heritage Council**) that St John's Anglican Church located at 1 Burgundy Street, Heidelberg in the Victorian Heritage Register (**VHR**) be amended. The category of registration is recommended to be Registered Place.

In accordance with section 62 of the *Heritage Act 2017* (**the Act**), I suggest that the Heritage Council determine:

- to include additional land in the VHR (section 49(1)(d)(i) and (ii) of the Act); and
- the proposed categories of works or activities which may be carried out in relation to the place for which a permit is under the Act 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: 16 March 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 a person or body with a real or substantial interest in the place, object or land.

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

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

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

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

5. Further information

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

History

Wurundjeri Country

The Wurundjeri people have an unbroken connection to the land and waters around Heidelberg from time immemorial.

Wurundjeri Country includes the city of Melbourne (Narm) and an area extending north to the Great Dividing Range and beyond, west to the Werribee River, and east to Mount Baw Baw. It includes the Birrarung (Yarra River) which flows in close proximity to St John's Church and 'forms a central part of the Dreaming of the Wurundjeri'. Wurundjeri are connected to the Birrarung through spirit culture and nature¹ and have deep cultural obligations to river ^[06].

The Yoorrook Justice Commission recorded how colonisation brought irreparable damage to First Peoples in Victoria with the introduction of diseases, massacres, dispossession from Country, confinement on missions and reserves, forced labour, separation of families and ongoing policies and practices that perpetuate systemic injustice.²

The Wurundjeri continue to live, work, practice culture and manage land and waters around Heidelberg.

St. John's Anglican Church

The Village of Warringal (Heidelberg) was first planned in 1839, in the early years of colonisation of what we now call Victoria, while the Port Phillip District was still part of New South Wales. Most of the town was laid out in the standard north-south grid of colonial surveyors, except for the block bounded by Burgundy, Jika and Vine streets, which was set at an angle to respond to the Birrarung (Yarra River). In 1839, a two-acre reserve on Burgundy Street was set aside for an Episcopalian Church.

Heidelberg at this time was a district of Melbourne, only half an hour's ride from the city by horse. The ample space and beautiful scenery provided by the fertile river valleys appealed to colonists. For this reason, it was a popular site for the wealthy and prominent men of Port Phillip society to build country residences.³

In 1848, the congregation of St John's was established, and Anglican services began to be held in the Presbyterian church in Jika Street.⁴ Plans were prepared by architect John Gill for a new church on the grant of land in Burgundy Street. Some secondary sources credit G.R. Cox with the design, however contemporary accounts and tender notices suggest that the stone church was designed by Gill.⁵ The builders, Snowball and Atchison, began work in 1859, and the foundation stone was laid in 1850 by then bishop, Charles Perry. The building was constructed from brick on a bluestone plinth, in a picturesque, treed setting with the Birrarung (Yarra River) running south of the site. The church accommodated 150 people. It comprises a box-like nave with simple lancet windows, a chancel, vestry, and squared tower with pinnacles, through the base of which is the entry. The architectural style of the church has been variously identified as Early English Gothic by J.M. Freeland,⁶ and Low & Mixed Gothic: Commissioners' Style/Regency/Stuccoed by Miles Lewis.⁷ The current statement of significance describes it as 'simple gothic architecture'.

The church was completed in 1851 at a cost of £1,343, made up of local contributions and a government grant.⁸ Congregants who donated to the construction included David Charteris McArthur, owner of Charterisville, Ivanhoe, (VHR H1140), and founder of the Bank of Australasia in Melbourne, Joseph Hawdon, resident of Banyule, and one of the first to overland cattle from New South Wales to Port Phillip, (VHR H0926), and Dr. Robert Martin, a wealthy pastoralist who resided at Viewbank, near Rosanna (VHR H1396).⁹

¹ Nhanbu narrun ba ngargunin twarn Birrarung (Wurundjeri Woi Wurrung Birrarung Water Policy), <http://www.birrarungcouncil.vic.gov.au/about-us/what-we-do>.

² Yoorrook Justice Commission. *Truth be Told*. 2025.

³ Allom Lovell and Associates. *Banyule Heritage Places Study: An Urban History*. 1999. p11.

⁴ J.M. Freeland. *Melbourne Churches 1836-1851: An architectural record*. 1963.

⁵ Port Phillip Gazette and Settler's Journal. *Domestic Gazette*. 19 May 1849. <http://nla.gov.au/nla.news-article223157180>; The Argus. *Advertising*. 2 July 1851. <http://nla.gov.au/nla.news-article4778848>; The Melbourne Daily News. *Advertising*. 26 March 1850. <http://nla.gov.au/nla.news-article226321731>.

⁶ J.M. Freeland. *Melbourne Churches 1836-1851: An architectural record*. 1963.

⁷ National Trust of Australia (Victoria). *Victorian Churches: their origins, their story & their architecture*, ed. Miles Lewis. 1991.

⁸ J.M. Freeland. *Melbourne Churches 1836-1851: An architectural record*. 1963.

⁹ A.J. Elder. *A short history of St. John's Church of England, Heidelberg: With a guide to the church*. 1961. p7.

The first church service was held in the shell of the unfinished building in April 1851. At this stage, the internal walls were still unlined, externally unpainted and unrendered. The roof to the west end section of the church was also incomplete at this stage, so a tarpaulin was used to shelter the congregation from the wind and the weather.¹⁰

The completed building was officially opened in October 1851. Within a few years, the building had serious structural and deterioration issues, with architects Purchas and Swyer engaged to complete the repairs.¹¹ The original timber shingle roof was built without stays or cross beams, and the ceiling was unlined, leading to movement and water ingress shortly after the building's completion.¹² Purchas and Swyer were responsible for the rebuilding of the roof, including new supporting beams, reconstruction of the tops of the brick walls, and lime rendering of the external walls. The shingle roof cladding was replaced with slates. The Conservation Management Plan suggests that the grounds were laid out in this period by architect Charles Swyer, including the extant mature Bhutan Cypress in the car park as well as several significant Algerian Oak, Italian Cypress, Himalayan Cedar, and Pin Oaks located along the western boundary.

Later years

Since the 1850s, the church has required ongoing structural works, repairs and conservation, due to rising damp and other issues. The congregation has included several architects, notably Nathaniel Billing, the Anglican church architect, in the 1880s, and Harold Desbrowe Annear in the early 1900s, who undertook some repairs.¹³

In 1965 the church underwent its most significant architectural changes. This project was undertaken due to the continued deterioration of the 1850s fabric. A chapel, choir room and vestry were built on the south side of the sanctuary, and the original porch was enclosed, creating the present-day narthex. A new entry porch was introduced, extending the church at the front (see below images).

Later works have continued to address foundation movement causing cracking to walls and holes in the roof.

Selected bibliography

A.J. Elder. *A short history of St. John's Church of England, Heidelberg: With a guide to the church*. 1961.

Geoff and Elaine Smith. *A Church in the Park: Celebrating 150 years of the Anglican Church of St. John at Heidelberg*. 2001.

J.M. Freeland. *Melbourne Churches 1836-1851: An architectural record*. 1963.

Landmark Heritage Pty Ltd. *St John's Anglican Church, Heidelberg: Conservation Analysis*, prepared for the Anglican Parish of Banyule. 2023.

National Trust of Australia (Victoria). *Victorian Churches: Their origins, their story & their architecture*, edited by Miles Lewis. 1991.

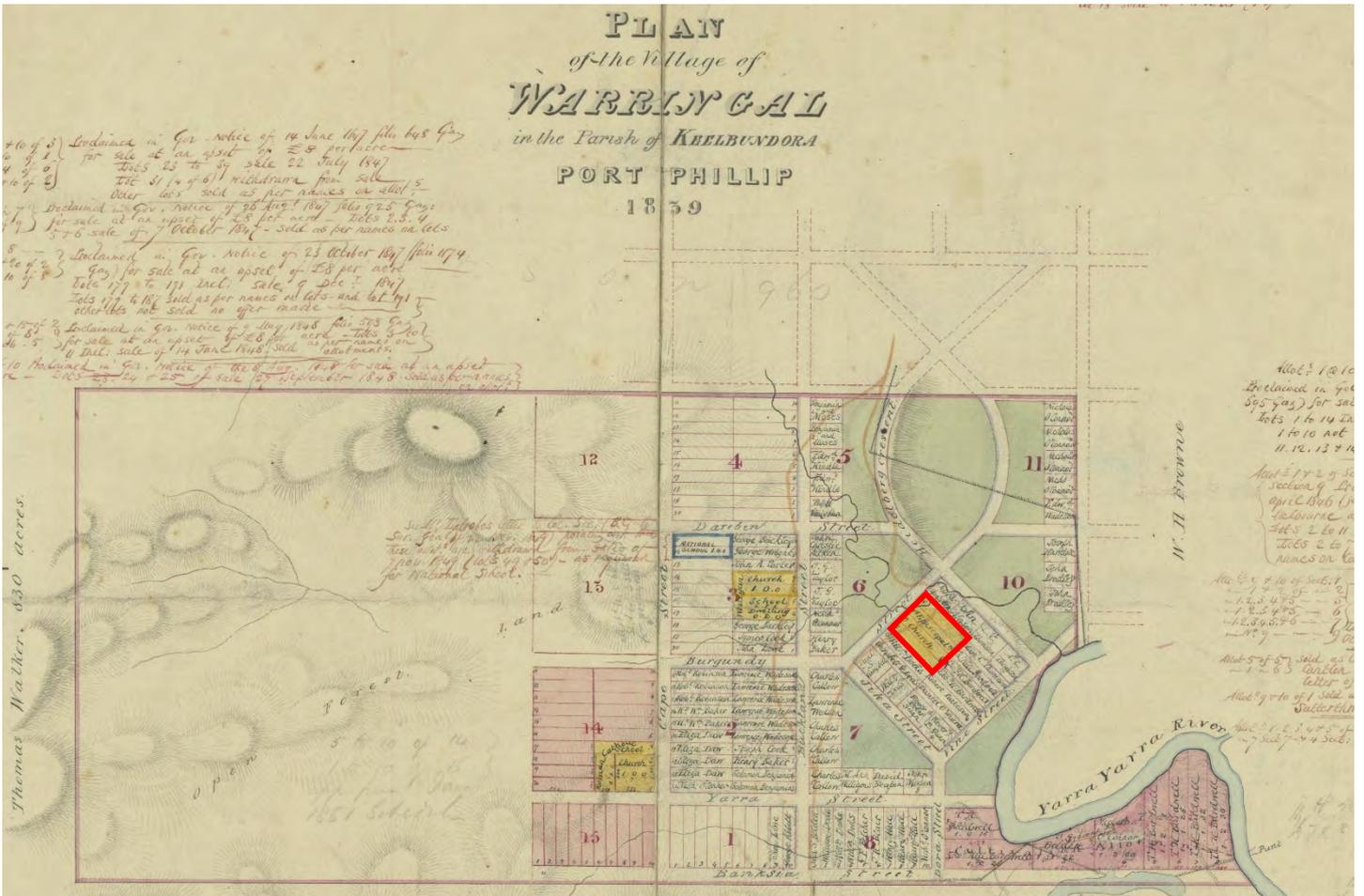
¹⁰ J.M. Freeland. *Melbourne Churches 1836-1851: An architectural record*. 1963.

¹¹ The Argus. *Advertising*. 15 November 1858. <http://nla.gov.au/nla.news-article7304550>.

¹² Landmark Heritage Pty Ltd. *St John's Anglican Church, Heidelberg: Conservation Analysis*, prepared for the Anglican Parish of Banyule. 2023.

¹³ Landmark Heritage Pty Ltd. *St John's Anglican Church, Heidelberg: Conservation Analysis*, prepared for the Anglican Parish of Banyule. 2023.

Images



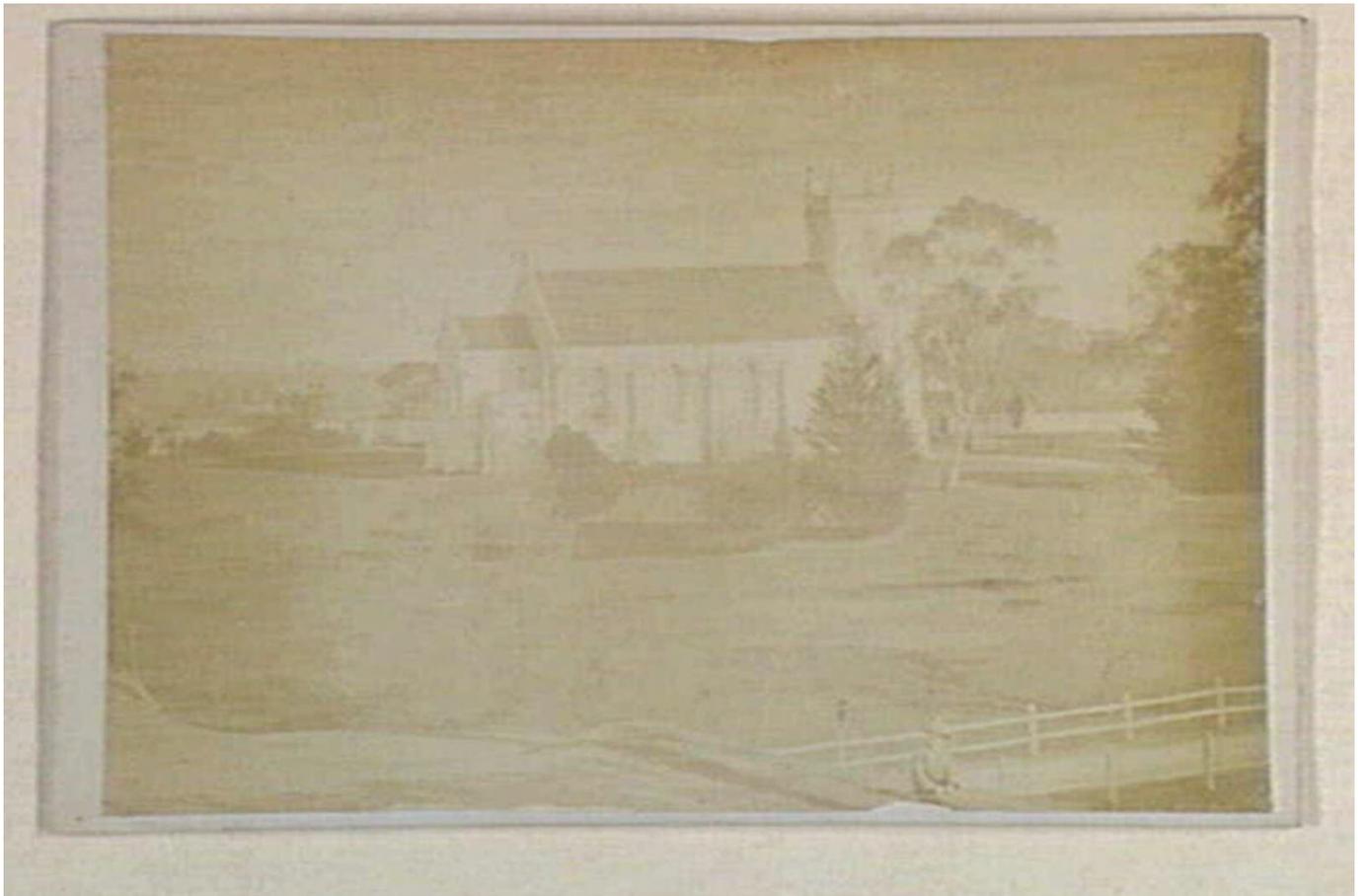
1839. Plan of the Village of Warringal (land reserved for the Episcopal church outlined in red). Source: PROV.



ca.1950. St John's Heidelberg prior to porch extension. Source: SLV.



2025. St John's present-day with porch extension to the front of the tower. Source: Heritage Victoria.



ca.1877-1885. St. John's Church, Heidelberg. Source: SLV.



2026. St John's Anglican Heidelberg, with 1965 chapel extension in foreground. Source: Heritage Victoria.



2026. Church Hall (ca. 1960) viewed from the carpark with St John's Anglican Heidelberg behind. Source: Heritage Victoria.



2026. Mature Bhutan Cypress in car park. Source: Heritage Victoria.

Further information

Registered Aboriginal Party information

St John's Anglican Church, Heidelberg 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.

Victorian Aboriginal Heritage Register

The place is in an area of Aboriginal cultural heritage sensitivity associated with the Birrarung (Yarra River) and Salt Creek.

(February 2026)

Integrity

The integrity of the place is very good. The cultural heritage values of St John's Anglican Church can be easily read in the extant fabric. While the 1965 additions to the church have altered the layout of the building and its setting and affected view lines, St John's Anglican Church is still legible as an early church. Changes to the internal configuration and an extension on the southern side of the sanctuary have not impacted the integrity of the church building.

(February 2026)

Intactness

The intactness of the place is good.

The place has been used as a church since the building was completed in 1851. There has been some alteration to the fabric as a result of the 1965 additions which abut the southern wall of the sanctuary and enclosed the existing porch. Alterations to original fabric included the removal of parts of the southern wall to the sanctuary and porch, as well as the rearrangement of the nave internally and the introduction of a loft to accommodate the rebuilt organ.

(February 2026)

Condition

The condition of the place is good.

Some damage to the church has been caused by persistent problems with moisture including rising damp, deteriorating rainwater goods, and drainage problems related to the 1965 concrete slab in the original porch. There is also evidence of cracking to the internal plaster and external cement render. The 2023 Conservation Management Plan also notes differential movement between the original building and the 1965 additions.

(February 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.

Amendment recommendation

State-level cultural heritage significance of the place

The State-level cultural heritage significance of St John's Anglican Church was recognised in 1974 by its inclusion in the Register of Historic Buildings.

The existing statement of significance suggests the place is significant for its simple gothic architecture and its association with prominent wealthy landowners of the Heidelberg.

Amendment application

On 20 February 2026 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.

Assessment of additional land and summary of significance

The information below is provided under s.40(3A)(c)(i)(ii) and s.40(4)(c)(i)(ii) as part of the Executive Director's Statement of Recommendation.

The Executive Director recommends that the Heritage Council amend this registration because it is his view that:

- The State-level cultural heritage significance 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 [s.40(3A)(c)(i)].
- 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 [s.40(3A)(c)(ii)].

The Executive Director notes that:

- The current extent is limited to the fabric of the building, and is insufficient to protect, conserve and allow for a proper understanding of the place.
- The current extent does not include the land that formed the original grant given to the Anglican church.
- The land proposed for inclusion both is currently and has been used in conjunction with the place since land was reserved for the Episcopalian Church in the 1839 Plan of the Village of Warringal (Heidelberg).

The Executive Director is of the view that:

- If any of the additional land proposed for inclusion in the registration were developed, depending upon the nature of the proposal, there is potential for the development to impact upon the place and substantially reduce its State-level cultural heritage significance.
- In the context of other church buildings with registered land in the VHR, this is an outlier because the current extent of registration does not cover the church grounds.
- The proposed inclusion of additional land, particularly around the currently registered church will enable works that could potentially impact on its conservation, such as drainage, landscaping and paving, to be managed under a heritage approvals process.
- The proposed inclusion of additional land will ensure that the church grounds, including the mature Bhutan Cypress, will be subject to a heritage approvals process to manage change.

Amending the Heritage Council Criteria

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

None.

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

Criterion A (Historical Significance)

Criterion D (Architectural Significance)

The existing Statement of Significance was last updated in 1999 and predates the consistent use of the Heritage Council's Criteria for registration. Although the Statement provides grounds for registration in prose, it does not identify specific Criteria.

It is proposed that the Statement of Significance is updated to formalise registration under the following Criteria, noting the current threshold for State-level significance:

Criterion A (Historical Significance)

- Historically significant as one of Melbourne's oldest surviving churches (1851), predating Victoria's separation from New South Wales and the Gold Rush.

The paragraph also notes prominent early congregants and the importance of Heidelberg to Melbourne in the mid-to-late nineteenth century.

Criterion D (Architectural Significance)

- Architecturally significant as a fine example of a nineteenth century Gothic church.

Change of name

Not applicable.

Statutory requirements under section 40

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

The Executive Director recommends that the registration of St John's Anglican Church in the VHR is amended.

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

Number: H0197

Category: Registered Place.

Name: St John's Anglican Church

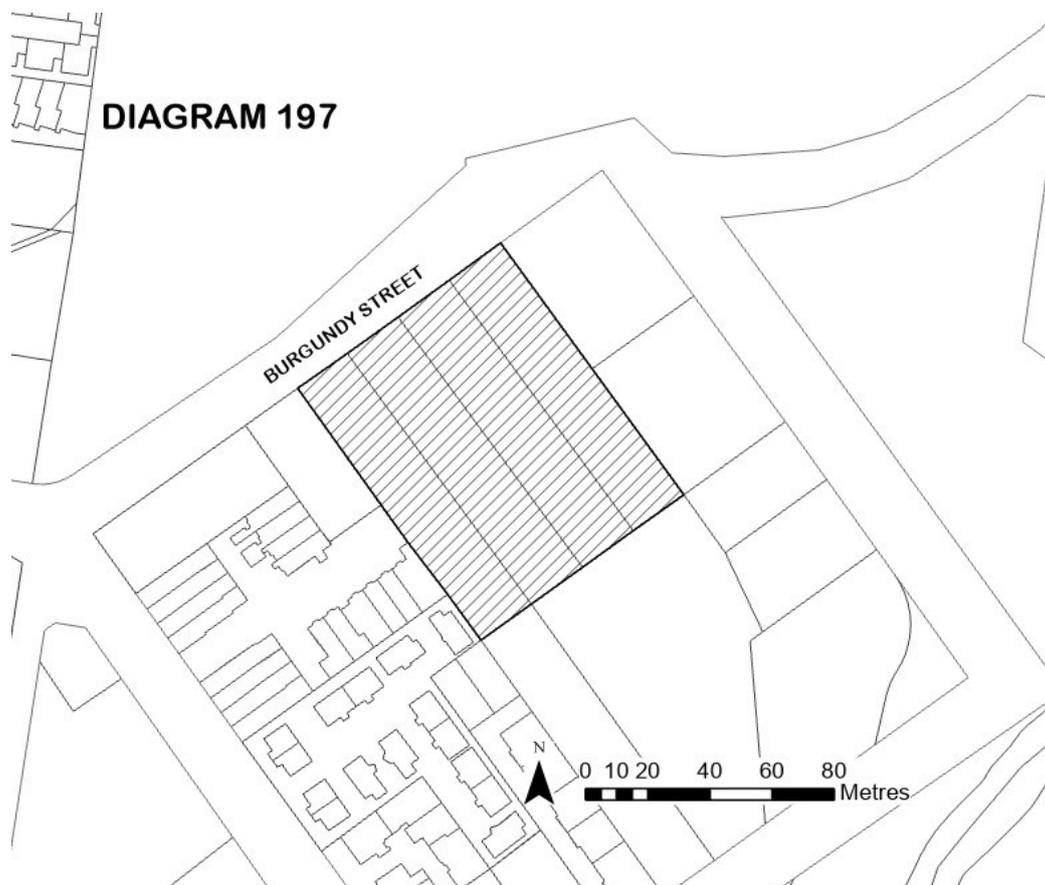
Location: 1 Burgundy Street, Heidelberg

Municipality: Banyule City

Proposed extent of registration

The Executive Director recommends that the extent of registration for St John's Anglican Church be gazetted as:

All of the place shown hatched in Diagram 197 encompassing all of Crown Allotment 15 Section 9 Township of Heidelberg, Crown Allotment 16 Section 9 Township of Heidelberg, Crown Allotment 17 Section 9 Township of Heidelberg, and Crown Allotment 18 Section 9 Township of Heidelberg, Parish of Keelbundora.



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 elements and features of State-level cultural heritage significance, including the church and 1965 additions.

This extent of registration has been selected as it comprises the land grant originally set aside for the Anglican Church at Heidelberg. The land has been associated with the church since 1839. The Executive Director notes that part of a modern tennis court in Allotment 15 Section 9 Township of Heidelberg falls within the recommended extent of registration. The management of this fabric has been addressed through the recommendation of specific permit exemptions. The tennis courts are also in the ownership of the Anglican church.

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, is proposed for inclusion in the VHR. This includes all of the land, all soft and hard landscape features, plantings and trees, and all buildings (exteriors, interiors and fixtures). 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

St John's Anglican Church is located on Wurundjeri Country.

What is significant?

St John's Anglican Church, Heidelberg was built between 1849 and 1851 by builders Snowball and Atchison to a Gothic design by prominent colonial architect John Gill, with additions constructed in 1965. The church is of brick construction featuring a box-like nave with lancet windows, and a castellated tower surmounted by pinnacles to the entry. The foundation stone to the right of the original entrance bears the inscription 'J.W. 1850'.

How is it significant?

St John's Anglican Church is of historical and architectural 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

Why is it significant?

Built in 1853, St John's Anglican Church, Heidelberg is historically significant as one of Melbourne's oldest surviving churches, predating Victoria's separation from New South Wales and the Gold Rush. St John's early congregants were prominent and wealthy landowners who built country mansions in the district including David Charteris McArthur, Joseph Hawson, and Dr. Robert Martin. The church reflects the early importance of Heidelberg, then Warringal, for its proximity to Melbourne and the social dominance of large landowners of the district. [Criterion A]

St John's Anglican Church, Heidelberg is architecturally significant as a fine example of a nineteenth-century Gothic church. Designed by prominent colonial architect John Gill, the church is characterised by buttresses, lancet windows with hood mouldings, a castellated tower and large oculus. The interior retains its picturesque design. The church is located in a pleasant setting with several significant trees including a Bhutan Cypress, several Italian Cypress and Algerian Oaks, a Pin Oak, and Himalayan Cedar which evokes an English village atmosphere. [Criterion D]

Recommended permit exemptions under section 38

Introduction

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

Permit Policy

It is recommended that the 2023 *St John's Anglican Church, Heidelberg: Conservation Analysis* prepared by Landmark Heritage Pty Ltd 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 Act.

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

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

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

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

Specific Permit Exemptions

The works and activities listed below under the heading 'Exempt works and activities' are not considered to cause harm to the cultural heritage significance of St. John's Anglican Church. 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

1. All internal works to and demolition of the freestanding ca.1960 brick buildings to the north of the church.
2. All works to the portion of the tennis court in the northern corner of the registered extent that allow the courts to retain their function.

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.

Appendix 2: Existing registration details

Existing extent of registration

City of Heidelberg. No. 197. St. John's Church of England, Burgundy Street, Heidelberg.

[*Victoria Government Gazette* No 100 Wednesday, October 9 1974 p.3648]

Existing extent diagram

This registration was gazetted on October 9 1974 without an extent diagram.

Existing statement of significance

The founding of St. John's church is closely linked with the beginning of Melbourne town and the records contain fascinating descriptions of the varied life in that town and in the village of Warringal, later to be known as Heidelberg. The lovely river valley attracted all kinds of settlers, amongst them three well known personalities of early Melbourne who became the first trustees of St John's church: David Charteris McArthur of "Charteris-ville" was known as the "father of Victorian banking", Joseph Hawdon an explorer and first overlander from Sydney who built Banyule home-stead and Dr Robert Martin, JP., squatter and overlander who resided across the river at "View bank". Foundations were commenced in 1849 and the foundation stone-presumably the one marked "J.W. 1850" at the front of the church was laid the next year.

This stone, we believe, is the oldest engraved stone in Melbourne. The architect was Mr G.R. Cox and the contractors, Snowball and Atchison. The building was completed by April 1851. During 1965 the old St John's church was transformed by a complete restoration project which included the addition of side chapel, vestries, porches, gallery and extensive alterations to the interior design of the building. The necessity for this project was due to the rapid deterioration in the fabric of the old building. The design of the church is simple and unpretentious even after the extensive additions of 1965. The nave and chancel are of handmade brick with lancet windows in early English Gothic style, a square tower surmounted by four pinnacles being the main feature. The new facing preserves the old brick work and also ensures a uniform appearance. The interior of the church impresses by its simple beauty and is characteristic of early colonial churches. The windows are extremely colourful and significant. The finely executed and attractive woodwork (as much now as old) blends in harmony with the rich carpet and the plain walls.

The original furnishings in Singapore cedar were all used in the re-designed interior of 1965. The tower houses the bell (pealing since 1852) and the organ, and is therefore not accessible as a viewing point.

Existing permit policy and permit exemptions

Nil.