

# Statement of Recommendation from the Executive Director, Heritage Victoria

Shipping Control Tower, VHR PROV H2467  
North Wharf Road, Docklands, 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 the Shipping Control Tower, located at North Wharf Road, Docklands, is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (**VHR**) in the category of Registered Place.

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

I suggest that the Heritage Council determine that:

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



**STEVEN AVERY**  
Executive Director, Heritage Victoria

**Date of recommendation: 14 July 2025**

## The process from here

### 1. The Heritage Council publishes the Executive Director's recommendation (section 41)

The Heritage Council will publish the Executive Director's recommendation on its [website](#) for a period of 60 days.

### 2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60-day publication period, any person or body may make a written submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the [Heritage Council's website](#).

### 3. Heritage Council determination (sections 46, 46A and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place, object or land in the VHR or amend a place, object or land already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. The Heritage Council must conduct a hearing if the submission is made by a person or body with a real or substantial interest in the place, object or land. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

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

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

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

### 5. Further information

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

## Description

The following is a description of the Shipping Control Tower as observed in June 2025.

The Shipping Control Tower is located at the far west end of the south arm of Victoria Dock within the Victoria Harbour precinct of Docklands in central Melbourne. The location can be accessed by either North Wharf Road or the Victoria Harbour promenade. The strategic location of the tower at the intersection of the entrance to Victoria Harbour (formerly Victoria Dock) and the Yarra River, enabled direct visual and electronic connection to Melbourne's major ports and shipping routes. The Shipping Control Tower is situated immediately adjacent to the VHR extent of registration for Victoria Dock (VHR H1720). The south arm of Victoria Harbour is being gradually redeveloped, in keeping with long-term plans for Docklands.

The Shipping Control Tower is a 40-metre-tall reinforced concrete tower that comprises a two-level upper structure atop two concrete pylons. The more substantial of the pylons contains a lift well that was used to access the upper levels, which can also be reached by external switchback stairs. The upper structure cantilevers out from the supporting pylons. The uppermost level housed the operations room and features angled metal-framed glazing on all elevations providing uninterrupted views of the port and river. This level is entirely encircled by a continuous external walkway with metal balustrading. The lower level, designed to provide staff accommodation and amenities, also features continuous glazing to all elevations. Equipment and many internal fixtures have been removed.

The larger of the pylons extends through to the roof and provides a rostrum for a variety of communication and signalling equipment on the roof as well as a crow's nest. These have been recently reconditioned. The base of the tower is screened by a recently installed security fence. The tower recently underwent a program of maintenance and repair works to both the interior and exterior.

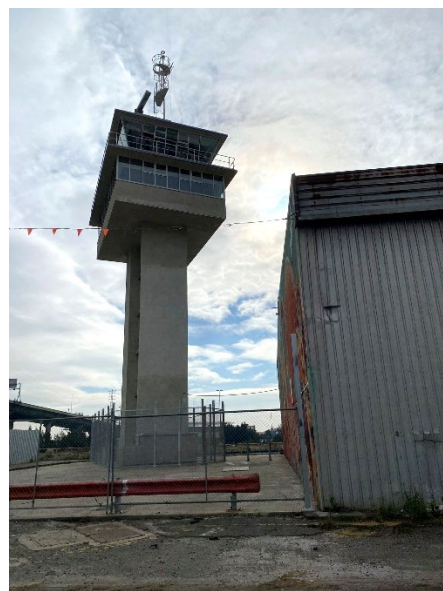
## Description images



*2025, the Shipping Control Tower viewed from the east, looking along Victoria Harbour Promenade, Source: Heritage Victoria*



*2025, the Shipping Control Tower viewed from the northeast, Source: Heritage Victoria.*



*2025, the Shipping Control Tower viewed from the south, Source: Heritage Victoria*

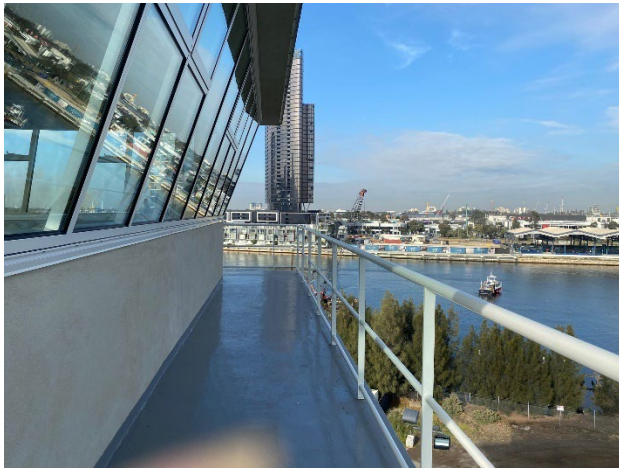




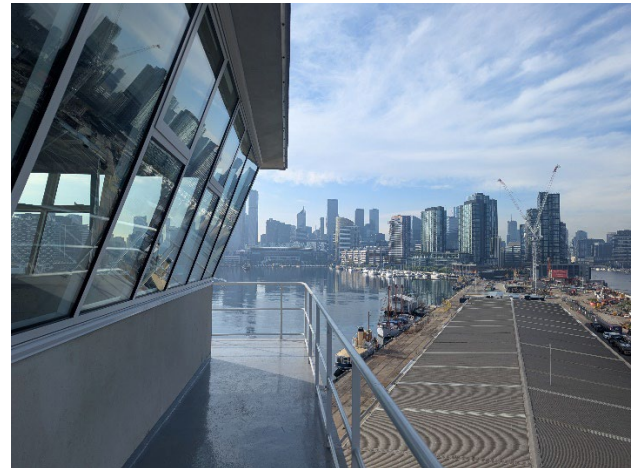
*2025, interior of the first level of the two-level structure, Source: Heritage Victoria*



*2025, interior of the second level, Source: Heritage Victoria*



*2025, view south from the second level of the cabin structure, Source: Heritage Victoria*



*2025, view east from the second level of the cabin structure, Source: Heritage Victoria*

## History

### Port of Melbourne

Soon after Melbourne's establishment, wharfs and associated infrastructure developed on the lower reaches of the Yarra and Maribyrnong rivers, as well as at locations such as Williamstown and Port Melbourne. The narrowness and shallowness of the Yarra River, as well as the rocky reef (Yarra Falls) at Queen Street, limited its usefulness for larger ships which had to anchor in Hobsons Bay and then shift goods by lighters up to city wharves.<sup>1</sup> The goldrush of the 1850s initiated a demand for increased wharf facilities for Melbourne, as well as connections to early rail infrastructure. In 1877, the Melbourne Harbour Trust was formed to coordinate the development of Melbourne's ports, and commissioned Sir John Coode to provide a plan for improving shipping access for Melbourne. The Yarra Falls were removed in 1883 and Coode's Canal was opened in 1887. Such works, which generally required substantial environmental disruption, allowed for larger vessels to berth closer to the centre of Melbourne, and connect to rail infrastructure.

### Victoria Dock

Coode had also proposed that land close to the growing railyards be excavated to provide a new, purpose-built dock facility, an idea that the Harbour Trust adopted. Melbourne Harbour Trust engineer Joseph Brady adapted Coode's proposal for a purpose-built dock close to the centre of Melbourne. Construction of the West Melbourne Dock (later known as Victoria Dock – VHR H1720) was underway by 1889 and the dock was opened in 1892. On completion, it was reported to be one of the largest single docks in the world, enabling large ships and extensive cargoes to be managed on the edge of the city, and it 'effectively turned Melbourne into a significant port.'<sup>2</sup> Victoria Dock was the Port of Melbourne's key dock facility well into the 1960s, when methods of shipping began to change and new dock facilities were established further west.<sup>3</sup>

### Expansion of the port

Following World War II, plans for expansion of the Port of Melbourne's facilities got underway with the need to plan for 'more ships, more cargo, more often'.<sup>4</sup> By the early 1950s, exports via the Port of Melbourne reached an all-time high and continued mechanisation of wharves shortened turnaround times. By 1957, a vessel berthed or departed the Port of Melbourne roughly every 80 minutes.<sup>5</sup> 1960 marked the 'beginning of a new era for the Port' under the leadership of V.G. Swanson who is credited with bringing containerisation to Melbourne.<sup>6</sup> Melbourne was the first Australian port to accommodate container ships 'which would change cargo shipping as greatly as the change from sail to steam one hundred years before.'<sup>7</sup> In this era, new wharves were established in several locations, including Appleton Dock (completed 1956), Webb Dock (1959) and Swanson Dock (1969), which was built specifically as a container terminal.

### Shipping Control Tower

A timber octagonal watch tower had been located in a similar position to the current tower since 1934.<sup>8</sup> By the early 1960s, with the growth in the number of vessels and their increasing size, there was a recognition that a new control centre was required to enable safer and more efficient shipping through the Port of Melbourne. In 1962, a joint conference was held between Trust officers, shipowners and others to discuss the establishment of a central control station for the port. It was agreed that an observation tower would be constructed and staffed by five control officers at all times to coordinate movements of shipping in the port, including towage pilots and emergency services.<sup>9</sup>

The tower was designed by architect C J Smith and tenders for the tower were announced in 1963. It was constructed by W J Cody for \$174,548 and officially opened in April 1966. It comprised two levels – services and amenities were located

<sup>1</sup> J. Buckrich, *The Long and Perilous Journey: a History of the Port of Melbourne*, Melbourne, Melbourne Books, 2002. p. 9.

<sup>2</sup> Victorian Heritage Database, [vhd.heritagecouncil.vic.gov.au/places/3705](http://vhd.heritagecouncil.vic.gov.au/places/3705).

<sup>3</sup> *The Long and Perilous Journey*, p. 10.

<sup>4</sup> *The Long and Perilous Journey*, p. 158.

<sup>5</sup> *The Long and Perilous Journey*, p. 165.

<sup>6</sup> *The Long and Perilous Journey*, p. 165.

<sup>7</sup> *The Long and Perilous Journey*, p. 169.

<sup>8</sup> Lovell Chen, *Victoria Harbour, Docklands: Conservation Management Plan*, 2012, p. 29.

<sup>9</sup> *Victoria Harbour, Docklands: Conservation Management Plan*, p. 29.

on the lower level and enabled the tower to be staffed 24-hours a day, reflecting the operating hours of the docks. The operations room occupied the upper level and featured radar equipment and radio facilities (now removed) as well as angled glazing to minimise glare.<sup>10</sup> The Shipping Control Tower was a sophisticated facility that used state-of-the-art electronic communication and tracking technology to control shipping traffic rather than traditional visual signalling alone (flags, semaphores and lights). It enabled control of shipping through major Port of Melbourne facilities and provided passenger and cargo shipping information. As described in the 1966 Annual Report for the Port of Melbourne:

*“The Centre regulates all shipping movements and co-ordinates the various ancillary services associated with the arrival and departure of ships such as health, customs, pilots, tugs, berthing parties, line boats, etc. Operating from a central point in the port with visual and radar observation over the whole port area, the control officers have been able to considerably streamline the organisations associated with the arrival and departure of ships...”<sup>11</sup>*

By the 1990s, shipping volumes had further increased and shifted toward standardised freight containerisation and bulk handling. Melbourne’s freight operations shifted further west to facilities dedicated to the container operations which required a large amount of open land to store containers, rather than cargo sheds.<sup>12</sup> The opening of the Bolte Bridge in 1999 closed Victoria Dock to ships.<sup>13</sup> The 1966 Shipping Control Tower was replaced by a new control tower further west on the Yarra River in 2000.

## Selected bibliography

### Primary sources

*Port of Melbourne Annual Reports*

*Reports of the Melbourne Harbour Trust Commissioners*

### Online resources

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Meyer, R., ‘Control Towers’, The Civil Aviation Historical Society & Airways Museum, [www.airwaysmuseum.com/Control%20towers%20pt%201.htm](http://www.airwaysmuseum.com/Control%20towers%20pt%201.htm)

Trace, K., ‘Port of Melbourne’, Encyclopedia of Melbourne, [www.emelbourne.net.au/biogs/EM01162b.htm](http://www.emelbourne.net.au/biogs/EM01162b.htm).

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Barnard, J., *Jetties and Piers: a background history of maritime infrastructure in Victoria*, 2008.

Gray, K. and Mornement, A., ‘Air traffic Control Towers in Australia’, (Un)Loved Modern, ICOMOS conference paper, 2009.

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### Books

Buckrich, J., *The long and perilous journey: a history of the Port of Melbourne*, Melbourne, Melbourne Books, 2002.

Ruhan, O., *Port of Melbourne, 1835-1976*, Stanmore, Cassell Australia, 1976.

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<sup>10</sup> *Victoria Harbour, Docklands: Conservation Management Plan*, p. 90.

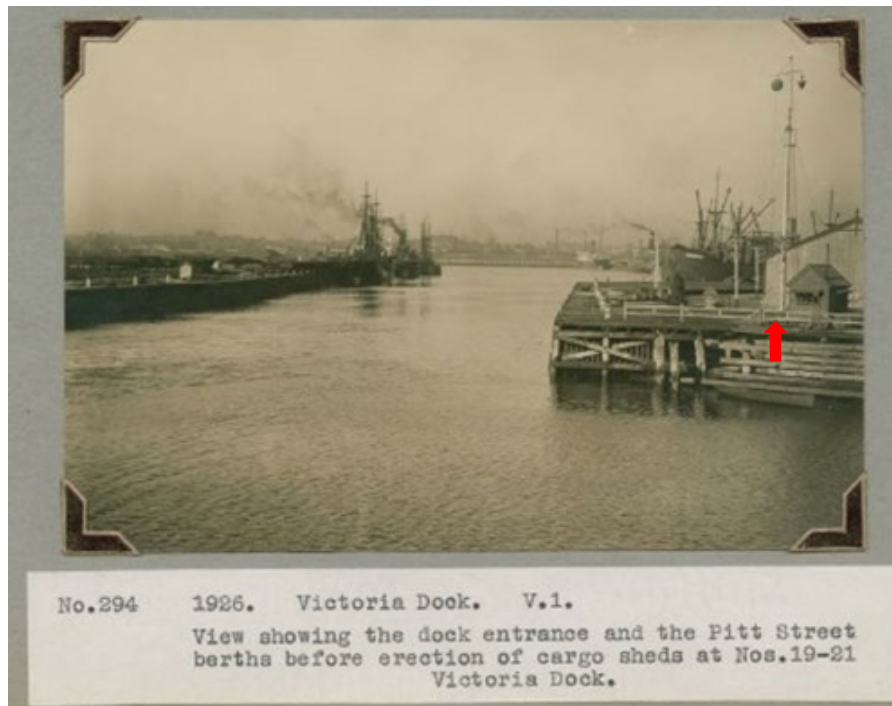
<sup>11</sup> *Annual Report, Port of Melbourne*, 1966, p. 24

<sup>12</sup> *A Long and Perilous Journey*, p. 10.

<sup>13</sup> *A Long and Perilous Journey*, p. 10.



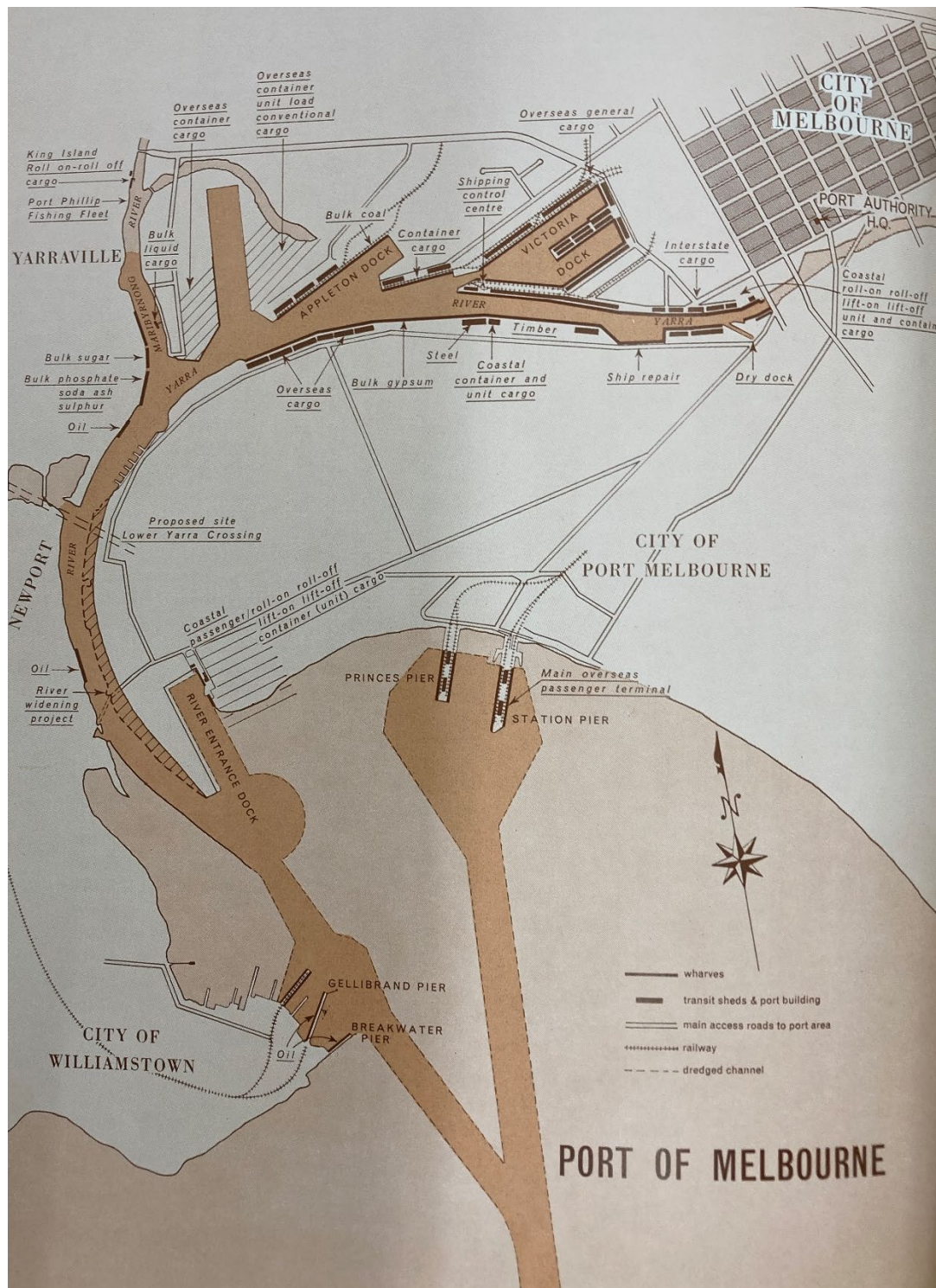
## Historical images



*Since the late 1800s, a series of structures provided for shipping in around the Port of Melbourne. A traditional flagstaff (pictured) was used for shipping operations in the Victoria Dock area until it was replaced by an octagonal tower in the 1930s, and the current structure in 1966. Source: Public Records Office of Victoria*



*c1950-1960. Aerial view of Victoria Dock and surrounds, with the 1930s octagonal observation tower at the entrance to the Dock indicated. Source: State Library of Victoria*



A plan of the Port of Melbourne as it appeared in the Port of Melbourne Annual Report for 1966. The location of the newly completed Shipping Control Tower (called the Shipping Control Centre here) on the tip of the south arm of Victoria Dock is indicated.





*c1970, the Shipping Control Tower pictured with the Nieuw Holland in the background. Source: Olaf Ruhan, Port of Melbourne 1835–1976*



*Date unknown, the control tower was strategically placed at the entrance to Victoria Dock to control shipping into the Port of Melbourne. Source: Public Records Office of Victoria*



*1966, port hostesses in front of newly opened Melbourne Harbour Trust shipping control tower. Source: National Archives of Australia*



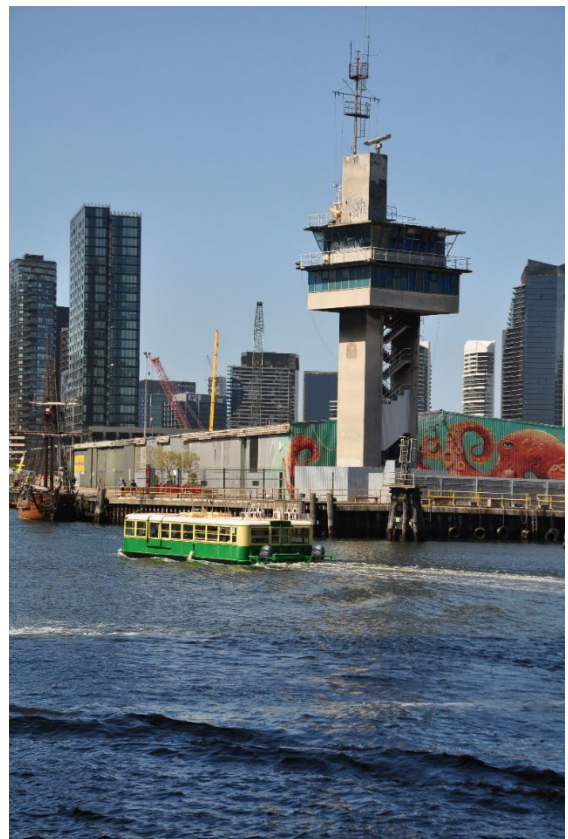
*The interior of the Shipping Control Tower as featured in the 1966 Harbour Trust Annual Report*



*c1968-1978, control room of Shipping Control Tower. Source: National Archives of Australia*



*The Shipping Control Tower in 2024, prior to the recent program of repair works*



*The Shipping Control Tower in 2024, prior to the recent program of repair works*



## Further information

### Traditional Owner Information

The place 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 within areas of Aboriginal cultural heritage sensitivity associated with the Moonee Ponds Creek and Yarra River (June 2025).

### Integrity

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

Despite changes such as the loss of internal equipment and replacement of glazing to the upper levels, the tower's role in controlling shipping movements within the Port of Melbourne is still obvious in the overall form of the structure and the surviving signal and communication equipment located on the rooftop (June 2025).

### Intactness

The intactness of the place is fair. Glazing and doors have been replaced and equipment and many internal fixtures removed. The Melbourne Harbour Trust crest has also been removed at some point (June 2025).

### Condition

The condition of the place is good.

Maintenance works have recently been undertaken to replace failing render from the main structure and replace damaged glazing (June 2025).

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

### Heritage Overlay

There is no Heritage Overlay for the place.

### Other relevant planning scheme overlays

The place is subject to both a Design and Development Overlay and a Development Plan Overlay.

### Other Listings

There are no other known listings for the place.

### Other Names

Harbour Control Tower, Shipping Control Centre

### Date of construction/creation

1966

### Architect/Builder

C J Smith (architect)

W J Cody (builder)

## Statutory requirements under section 40

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

The Executive Director recommends that the Shipping Control Tower is included in the VHR.

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

**Number:** VHR H2467

**Category:** Registered place

**Name:** Shipping Control Tower

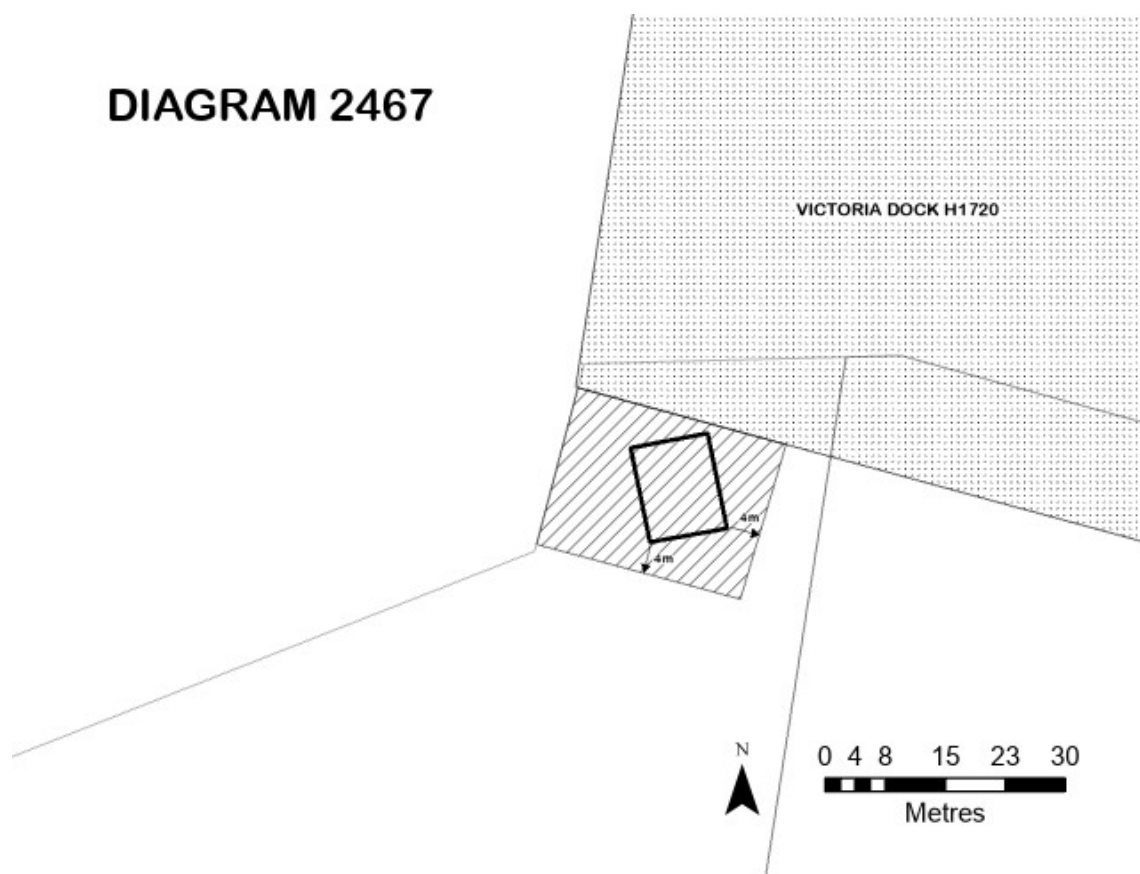
**Location:** North Wharf Road, Docklands

**Municipality:** Melbourne City

### Proposed extent of registration

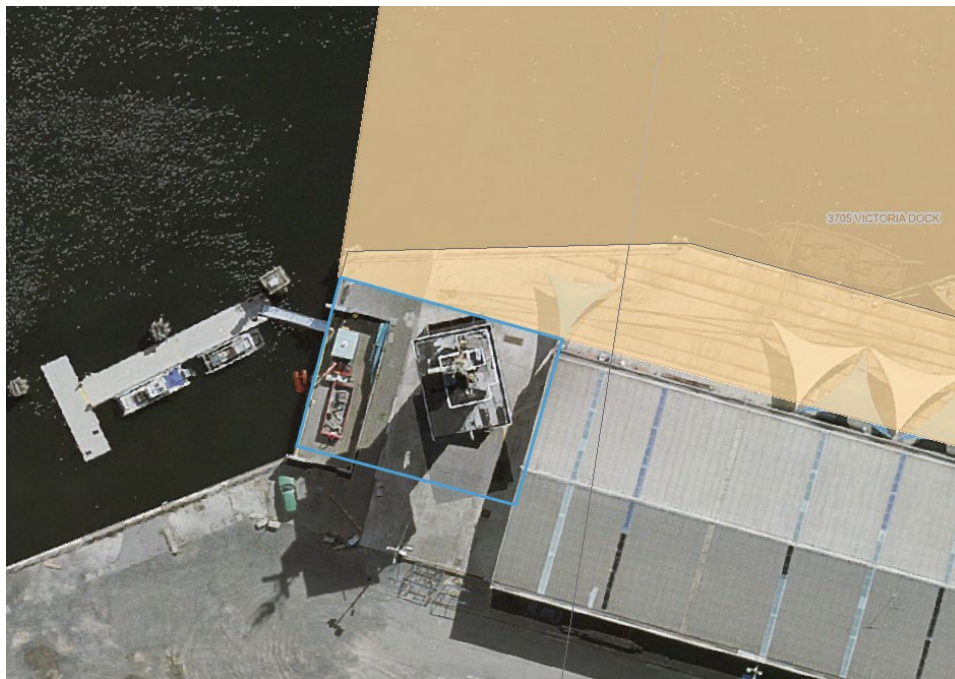
The Executive Director recommends that the extent of registration for the Shipping Control Tower be gazetted as:

All of the place shown hatched on Diagram 2467 encompassing part of Crown Allotment 24 Section 1B Parish of Doutta Galla. The extent of registration abuts the Victoria Dock registration (VHR H1720) to the north, extends 4m from the widest part of the tower to the east and to the south, and to the land parcel boundary to the west.



## 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 Shipping Control Tower, plus an area of land around it. This land measures four metres to the east and south of the widest part of the tower. This area is part of a planned public realm which will become a roadway and parkland in the short to medium term, providing a setting for the tower. To the north, the extent of registration meets the southern extremity of the extent of registration for Victoria Dock, but does not overlap. To the west, it extends to the parcel boundary. As the history of the Shipping Control Tower relates to the Port of Melbourne more broadly, rather than only Victoria Dock, it has been assessed as an individual place, rather than as an amendment to the registration of Victoria Dock.

It should be noted that everything included in the proposed extent of registration, including all of the Shipping Control Tower (exterior, interior and fixtures), and its immediate surrounds, is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

## Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of the place (section 40(3)(c))

Following is the Executive Director's assessment of the Shipping Control Tower (the place) against the tests set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State level threshold for inclusion in the VHR.

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

#### Step 1 Test for Criterion A

No.	Test	Yes/No	Reason
A1)	Does the place have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	The place has a clear association with the control and management of shipping in Victoria in the twentieth century, particularly in and around the Port of Melbourne.
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 phase is of historical importance. The middle decades of the twentieth century were an era of expansion and modernisation in shipping. As Victoria's busiest and most important port, the Port of Melbourne played a key role in shipping, trade and immigration during this period.
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. It was constructed in 1966 and controlled shipping operations in the Port of Melbourne until the 1990s. Its strategic location could provide a visual and radar link to the Port's major docks and shipping channels. Its design supported 24-hour staffing which reflected the Port's operational needs. It provided a modern facility through which the Port of Melbourne's extensive shipping traffic and expanding port facilities could be managed. There is also documentary evidence of the place's association 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 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	The place's siting and design enable its historical associations to be well understood. Although there are other places (such as Appleton, Webb and Swanson docks) with associations with the phase, the place is a particularly prominent and publicly visible feature. Its historic use can be readily interpreted.

If SA1 is satisfied, then Criterion A is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion A is likely to be relevant at the State level.
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## CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

### Step 1 Test for Criterion B

No.	Test	Yes/No	Reason
B1)	Does the place have a clear association with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history?	Yes	As above, the place has an association with the control and management of shipping in Victoria in the twentieth century.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	As above, there is evidence of the place's association with the phase.
B3)	Is there evidence that place is rare or uncommon, <u>or</u> has rare or uncommon features?	No	There are few comparable control towers in Victoria. Control towers are designed to centralise the management of movement around major transport facilities. By their nature, only a single control tower is required to manage a major facility. The place is one of a specialised class, and is rare by default rather than being 'rare' in keeping with the definition within the Criteria and Threshold Guidelines.

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 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?	No	The: 1) physical fabric and 2) documentary evidence and 3) associated oral history or cultural narratives. relating to the place 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.
C2)	And, from what we know of the place, is the physical evidence likely to be of an integrity and/or condition that it could yield information through detailed investigation?	N/A	The integrity and condition of the place may be good, but it is unlikely to yield information through investigation that is not currently visible and/or well understood or available from other sources (see C1).

If **both** C1 AND C2 are satisfied, then Criterion C is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion C is not likely to be relevant.
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## CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects

### Step 1 Test for Criterion D

No.	Test	Yes/No	Reason
D1)	Is the place one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's history?	Yes	The place belongs to the class of control tower. Although air traffic control towers and shipping control towers belong to different contexts, they share physical characteristics and it is useful to consider them as part of the same class.  This class has a clear association with the management and control of both ships and aircraft in Victoria.
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	Being able to safely and efficiently manage aircraft and ships in Victoria has been crucial to the movement of goods and people into, out of and around Victoria.
D3)	Are the principal characteristics of the class evident in the physical fabric of the place?	Yes	The principal characteristics of the class are evident in the physical fabric of the place. These include, but are not limited to: <ul style="list-style-type: none"> <li>Siting in a strategic location to enable visual and electronic connection to ships and aircraft</li> </ul>

- Significant height to enable unimpeded views
- Substantial areas of glazing, possibly angled to reduce sun glare
- External signalling and communications infrastructure
- External walkways or balconies
- Internal space for operations and staff amenities.

**If D1, D2 AND D3 are satisfied, then Criterion D is likely to be relevant (but not necessarily at the State level)**

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

No.	Test	Yes/No	Reason
SD1)	Is the place a notable (fine, influential or pivotal) example of the class in Victoria?	Yes	<p>The place is a notable example of the class of a control tower.</p> <p>It can be considered a fine example in that it displays characteristics in a way that allows the class to be easily understood. Located at a prominent site in a highly visible location, it enables the class to be easily understood and appreciated. It is externally intact and relatively unchanged, enabling its function to be readily understood.</p> <p>In addition, it can be considered to display characteristics of a higher quality and historical relevance than is typical of the class. It differs from other examples of the class in its considered design which goes beyond other more utilitarian examples of the class. It is historically relevant in that its design and construction date from a key era in the expansion and modernisation of port facilities. Its solidity and modern design reflect efforts of the Harbour Trust to provide up-to-date facilities and management of the port.</p>

**If SD1 is satisfied, then Criterion D is likely to be relevant at the State level**

Executive Director's Response:	Yes	Criterion D is likely to be relevant at the State level.
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**CRITERION E: Importance in exhibiting particular aesthetic characteristics.**

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**Step 1 Test for Criterion E**

No.	Test	Yes/No	Reason
E1)	Does the physical fabric of the place clearly exhibit particular aesthetic characteristics?	Yes	The physical fabric of the place clearly exhibits particular aesthetic characteristics associated with its siting, height, materials and design.

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**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)	<p>Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by:</p> <ul style="list-style-type: none"><li>• Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or</li><li>• Critical recognition of the aesthetic characteristics of the place within a relevant art, design, architectural or related discipline within Victoria; and/or</li><li>• Wide public acknowledgement of exceptional aesthetic qualities of the place in Victoria expressed in publications, print or digital media, painting, sculpture, songs, poetry, literature, or other media?</li></ul>	No	<p>There is no evidence that the aesthetic characteristics at the place are 'beyond the ordinary' or are outstanding.</p> <p>The place is regularly photographed and its aesthetic qualities appear to be appreciated by those with knowledge of its history and use. However, there is no evidence that its aesthetic characteristics have received critical recognition or wide public acknowledgement.</p>

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**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.**

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**Step 1 Test for Criterion F**

No.	Test	Yes/No	Reason
F1)	Does the place contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created?	No	The place does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created.  When constructed, it was a modern building that provided up-to-date facilities. Although relatively tall and imposing it is of standard reinforced concrete construction.
F2)	Does the physical evidence demonstrate a high degree of integrity?	NA	The evidence at the place displays a high degree of integrity; however, it does not demonstrate creative or technical achievement, as above.

If **both** F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion F is not likely to be relevant.
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**CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons**

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**Step 1 Test for Criterion G**

No.	Test	Yes/No	Reason
G1)	Does the place demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here:		
i)	Existence of a community or cultural group; <u>and</u>	Yes	There is some evidence that a community of people with an interest in Melbourne and Victoria's maritime heritage exists.
ii)	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	Yes	There is some evidence of a strong attachment between this community and the place in the present day.
iii)	Existence of a time depth to that attachment.	Yes	There is some evidence of the attachment dating to at least the redevelopment of the Docklands area, which began in the early 2000s.

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:	Yes	Criterion G is likely to be relevant.
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## Step 2 State-level test for Criterion G

No.	Test	Yes/No	Reason
SG1)	Is there evidence that the social value resonates across the broader Victorian community as part of a story that contributes to Victoria's identity?	No	SG1(i) The social value of the place is part of a story in Victoria that contributes to Victoria's identity.  SG1(ii) There is not evidence that the social value of the place resonates across the broader Victorian community.

If **all facets** of SG1 are satisfied, then Criterion G is likely to be relevant at the State level

Executive Director's Response:	No	Criterion G is not likely to be relevant at the State level.
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## CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

### Step 1 Test for Criterion H

No.	Test	Yes/No	Reason
H1)	Does the place have a direct association with a person, or group of persons who has made a strong or influential contribution in their field of endeavour?	Yes	H1(i) There is a direct association between the place and the Melbourne Harbour Trust. The Trust managed the Port of Melbourne during this period and were responsible for its planning and modernisation. They planned and commissioned the tower.  H1(ii) The Melbourne Harbour Trust has made a strong or influential contribution in its field.  The Trust was responsible for the management, improvement and development of port services from 1877 until 1978 when it was reconstituted as the Port of Melbourne Authority.
H2)	Is there evidence of the association between the place and the person(s)?	Yes	There is evidence of the association between the place and the Melbourne Harbour Trust.  It commissioned the Tower and reported on its construction and use in its publications.
H3)	Does the association relate: • directly to achievements of the person(s); <u>and</u> • to an enduring and/or close interaction between the person(s) and the place?	Yes	H3(i) The association between the place and Melbourne Harbour Trust relates directly to its achievements.  The Trust was charged with developing, modernising and administering the operations of the Port. The Shipping Control Tower is symbolic of these efforts.  H3(ii) As commissioners and operators of the Tower, the association relates to a close interaction between the Harbour Trust and the place.

If **all facets** of H1, H2 AND H3 are satisfied, then Criterion H is likely to be relevant (but not necessarily at the State level)

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

No.	Test	Yes/No	Reason
SH1)	Are the life or works of the person/persons important to Victoria's history?	Yes	The life or works of the Melbourne Harbour Trust are important in Victoria's history.  It managed and developed Victoria's most important port over many decades.
SH2)	Does this place 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?	No	The Trust was responsible for the establishment and development of the Port's major works and as such has many engineering works that demonstrate its achievements. Victoria Dock in particular represents the ambition of the Trust and willingness to initiate large engineering works. The place does not allow the association between the Melbourne Harbour Trust and their importance in Victoria's history to be readily appreciated more than most other places or objects in Victoria.

If SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level

Executive Director's Response:	No	Criterion H is not likely to be relevant at the State level.
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## Comparisons

There are no control towers of any type currently included in the VHR. As such, the Shipping Control Tower is usefully compared with related structures already included in the VHR from an earlier period. It is also useful to compare to other similar structures in Victoria. It is also usefully compared with other places related to the history of the Port of Melbourne.

### Maritime signalling and communications infrastructure in the VHR

In addition to the examples below, it is noted that there are many places, such as lightstations, included in the VHR, which are also places related to maritime navigation, signalling and communications. Some of the most relevant examples, being those associated with ports, are highlighted below.

#### FORMER TELEGRAPH STATION

##### 83A RYRIE STREET, GEELONG, GREATER GEELONG CITY

The Geelong Telegraph Station was constructed in the 1850s. At the suggestion of the Geelong Harbour Trust, a time ball was erected on the telegraph station tower in 1862. The time signal was received from Melbourne on the electric telegraph and relayed to the people of Geelong, including shipmasters, by the releasing of a ball at 1pm daily (except Sundays). The Former Telegraph Station is of historical significance due to the presence of a time ball at the building which provides an association with the history of shipping on Corio Bay.



#### TIME BALL TOWER

##### 6-18 BATTERY ROAD, WILLIAMSTOWN, HOBSONS BAY CITY

The Time Ball Tower at Williamstown is significant as the location of early navigation and signalling activity. Williamstown was the first deep-water port for Melbourne, with ships anchoring off shore in the shelter of Point Gellibrand. A timber lighthouse was erected in a prominent position on the Point in 1839. In 1840 a flagstaff was erected just to the west and the current bluestone lighthouse base was constructed in the 1850s. Accurate local time measurement was essential for navigation and was broadcast to Melbourne and to ships on the bay, by means of the dropping of a time ball. The first telegraph line in Australia was installed between Melbourne and a station under the flagstaff in 1854.





## LEADING LIGHTS

### BEACON VISTA AND HOBSON'S BAY, PORT MELBOURNE, PORT PHILLIP CITY

The Port Melbourne Leading Lights were built in 1924, and in conjunction guided ships by marking the centre of the Port Melbourne Channel from Port Phillip Bay. The Port Melbourne Leading Lights are historically significant as structures surviving from an important visual and functional link between Princes and Station Piers and along with these piers reflect the pattern of shipping activity during the 1920s and 1930s.



## Places in the VHR related to the history of the Port of Melbourne

### FORMER PORT OF MELBOURNE AUTHORITY BUILDING

#### 29-31 MARKET STREET, MELBOURNE, MELBOURNE CITY

The Former Port of Melbourne Authority Building is of State-level historical significance as an important element in the old centre of Melbourne's maritime industry. The building is adjacent to the Old Customs House, their location a reminder of the fact that Melbourne's port facilities originally extended much further upstream than they do now. The grand and imposing character of the building reflects the importance of the Harbour Authority and the port that it managed to Melbourne's commercial and maritime development. It is also of architectural significance as an important example of Beaux-Arts influenced Greek revival architecture.



### VICTORIA DOCK

#### HARBOUR ESPLANADE AND VICTORIA HARBOUR PROMENADE AND NORTH WHARF ROAD AND DOCKLANDS DRIVE AND NEWQUAY PROMENADE, DOCKLANDS, MELBOURNE CITY

Victoria Dock is of outstanding historical and scientific (technical) importance as one of the oldest, largest, single docks remaining in the world. It is significant as the first artificial basin constructed in Victoria. It is also significant for its associations with John Coode and the Melbourne Harbour Trust. The dock is historically significant as the main port facility through which general cargo was shipped and handled for Victoria from 1924 to 1970.



## **FORMER MELBOURNE HARBOUR TRUST WILLIAMSTOWN WORKSHOPS**

### **ANN STREET, WILLIAMSTOWN, HOBSONS BAY CITY**

The Melbourne Harbour Trust Workshops are of historical and architectural to Victoria. Originally established in the 1880s, they developed into a complex that is of historical significance for its associations with the great period of port development instigated by the establishment of the Melbourne Harbour Trust in 1877. It includes early and intact examples of port cargo sheds.



## **Shipping Control Towers (not in the VHR)**

### **Point Henry Signal Station – HO1583 (Navigation Station (former)) in the Greater Geelong Planning Scheme**

#### **Point Henry Road, Moolap**

The Point Henry Signal Station was erected in 1939 to control shipping traffic entering and leaving the Port of Geelong. It replaced temporary signal stations at piers along the coast. To improve and regulate shipping movements, the Geelong Harbour Trust engaged architect Norman Schefferle to design a signal station. His design is along Modern Functionalist lines. Point Henry signal station was in operation from 1940 until 1993 and is still extant.



### **Port Operations Control Centre (no heritage controls)**

#### **331 Lorimer Street, Port Melbourne**

The Port Operations Control Centre was constructed on the Yarra River in Port Melbourne opposite Coode Island in 2000. It replaced the functions of the 1966 tower once it was decommissioned in the 1990s. Marine navigation and communication services for the Port of Melbourne are now provided from this location.



## Aircraft control towers (not in the VHR)

Although their contexts differ, shipping control towers and aircraft control tower share similar physical characteristics and can be usefully compared.

### **The Essendon Air Traffic Control Centre no. 3 (included in the Commonwealth Heritage list)**

#### **Wirraway Road, Essendon Airport**

Essendon ATC tower no. 3 was designed in 1953, built in 1954 and began operation in 1956. It comprises a rectangular, three-storey base structure surmounted by an octagonal cabin with outward canted steel-framed windows. When commissioned it formed part of an experimental system for the control of civil aircraft at Melbourne Airport, which was at the time one of the busiest airports in the British Empire. Essendon Air Traffic Control tower is of historical significance for its association with a major programme undertaken in the 1950s by the Australian Government in developing standardised air traffic control facilities across Australia.



### **Aircraft control tower Melbourne Airport (no heritage controls)**

#### **Melbourne Airport, Tullamarine**

An aircraft control tower was constructed at Tullamarine for the new Melbourne Airport in 1969. The siting and airport layout required an unusually tall tower. Until then most cabins were around 15 metres above ground level, but at Melbourne a cabin at a height of 47 metres (to the cabin roof) was required. The outcome was an integrated cabin and services pod on top of a slender concrete column (Figure 6); this was a groundbreaking building in air traffic control tower design in Australia.



### **Aircraft control tower Moorabbin Airport (no heritage controls)**

#### **Moorabbin Airport, Moorabbin**

The aircraft control tower at Moorabbin airport was constructed in 1975-77. It is of a standard type employed from the late 1960s for a low-cost tower for secondary airports, and a similar design is seen at Avalon airport. It comprises an exposed steel frame base in a triangular plan and small single-glazed cabins.



## Summary of Comparisons

The inclusion of features like flagstaffs and timeballs in the VHR indicates the importance of safe and efficient management of shipping in Victoria's history. All such features already included in the VHR date from an earlier period than the Shipping Control Tower. The Shipping Control Tower enables the modernisation of these practices in the twentieth century to be understood.

There are various places in the VHR associated with the Port of Melbourne. They include administrative buildings, docks and workshops. These indicate the immense historical importance of the port as Victoria's primary shipping access point since the mid-nineteenth century. The Shipping Control Tower compares well to these places and can be considered to be of equivalent significance. It is differentiated from existing places in the VHR in that it enables the port's later twentieth-century history to be interpreted.

There are no control towers of any type in the VHR. The Point Henry Signal Station, while not included in the VHR, is also a historically important shipping control tower/signal station dating from the twentieth century. It managed traffic at Victoria's secondary port, and is an earlier example. It and the Shipping Control Tower at Docklands may be of equivalent significance but both represent important examples of the type. The Port Operations Control Centre is an important facility that took over the function of the Shipping Control Tower but is much more recent and does not carry the historical associations.

There are a greater number of aircraft control towers in Victoria than shipping control towers and as broadly similar structures with a related purpose they provide a useful comparison. Most comparable examples are more utilitarian in their design. Inclusion of the Aircraft Control Tower at Essendon Airport in the Commonwealth Heritage list indicates that there is a growing interest in the heritage value of operational assets such as control towers, particularly those that date from the mid-twentieth century.

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

### Statement of significance

The Shipping Control Tower is located on Narm, the land of the Wurundjeri people.

#### What is significant?

The Shipping Control Tower, located on the western extremity of the south arm of Victoria Dock, is a 40-metre-high reinforced concrete tower comprising two piers that support a two-level operations and amenities structure. Electronic and manual signalling equipment, as well as a crow's nest, are present on the roof. It was designed for the Melbourne Harbour Trust by architect C J Smith and it was constructed by W J Cody. The tower officially opened in April 1966 and provided a centre for managing ship arrivals and departures for the Port of Melbourne until its decommissioning in the 1990s.

#### How is it significant?

The Shipping Control Tower is of historical significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

##### Criterion A

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

##### Criterion D

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

#### Why is it significant?

The Shipping Control Tower is historically significant as the centre for control of shipping in and around the Port of Melbourne from the 1960s to the 1990s. From its strategic location, master mariners could maintain visual and electronic connection with ships entering and leaving the Port. The tower is symbolic of efforts to expand and modernise the Port in the middle decades of the twentieth century, and demonstrates the demands created by Victoria's busiest cargo docks. Its relationship with Victoria Dock and the Yarra River speaks to the ongoing importance of these docks to shipping into the second half of the twentieth century. The prominence and design of the tower enable its function and importance to be readily appreciated. [Criterion A]

The Shipping Control Tower is significant as a notable example of a control tower in Victoria. Dating from a key period in the growth and modernisation of port facilities, it is a particularly historically relevant example. Its design, location and prominence enable the class and its function to be well understood. Its considered design represents the efforts of the Melbourne Harbour Trust to provide a modern facility to manage Victoria's busiest port. [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 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 do not 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 the Shipping Control Tower. These are subject to the following guidelines and conditions:



## Guidelines for specific permit exemptions

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

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

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

## General conditions for specific permit exemptions

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

## **Exempt works and activities**

### ***Shipping Control Tower***

1. Repairs, maintenance and replacement of glazing, window frames and doors, provided the appearance of the control tower is not permanently altered and the retention of early or original physical fabric is maximised.
2. Replacement of lift and mechanisms within existing lift shaft.

### ***Security and safety***

3. Installation of lighting, alarms, surveillance systems and other security devices required to secure the site and prevent unauthorised access.
4. Installation of fire detection and prevention systems.
5. Maintenance, repair, removal, and installation of security hoarding and fencing surrounding the base of the tower to secure the site and prevent unauthorised access, provided it is no more than four metres high.

### ***Area surrounding the Shipping Control Tower***

6. All sub-surface works, provided that the surface treatment is reinstated on the completion of works.
7. All ground-level works and activities (including hard and soft landscaping, and construction of roadways/laneways and the like) provided they do not:
  - involve the construction of new buildings
  - introduce features greater than two metres above ground level
  - cause harm to the physical fabric of the Shipping Control Tower (for example, by introducing poor drainage).
8. Maintenance, repair, removal and installation of light poles.
9. Maintenance, repair, removal and installation of signage (not including interpretive and advertising signage) provided it is not attached to the Shipping Control Tower.
10. All works to wharves, including removal, remediation and replacement.

### ***Other buildings and structures***

11. Demolition and removal of buildings and structures other than the Shipping Control Tower within the extent of registration.

### ***Events and activation activities***

12. Art installations and activation activities, provided they:
  - are temporary (in place for no more than three months annually)
  - do not alter the physical fabric of the Shipping Control Tower.

## Appendix 1: Important information for owners and interested parties

### Heritage Council determination (section 49)

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

### Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the [Heritage Council's website](#). The owner can also make a submission about proposed permit exemptions (Section 40(4)(d)).

### Consideration of submissions to the Heritage Council (section 46)

(1) The Heritage Council must consider—

- (a) any written submission made to it under section 44; and
- (b) any further information provided to the Heritage Council in response to a request under section 45.

### Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

(1) The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.

(2) The Heritage Council must conduct a hearing if—

- (a) a submission made to it under section 44 includes a request for a hearing before the Heritage Council; and
- (b) the submission is made by a person or body with a real or substantial interest in the place, object or land that is the subject of the submission.

### Determinations of the Heritage Council (section 49)

(1) After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—

- (a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or
- (ab) in the case of a place, determine that—
  - (i) part of the place is of State-level cultural heritage significance and is to be included in the Heritage Register; and
  - (ii) part of the place is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (ac) in the case of an object, determine that—
  - (i) part of the object is of State-level cultural heritage significance and is to be included in the Heritage Register; and
  - (ii) part of the object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or
- (b) determine that the place or object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or

- (c) in the case of a recommendation in respect of a place, determine that the place or part of the place is not to be included in the Heritage Register but—
    - (i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the Planning and Environment Act 1987 to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; or
    - (ii) determine that it is more appropriate for steps to be taken under the Planning and Environment Act 1987 or by any other means to protect or conserve the place or part of the place; or
  - (ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register; or
  - (d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—
    - (i) the State-level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
    - (ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
  - (b) if any hearing is conducted, within 90 days after the completion of the hearing.
- (3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—
- (a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place, object or land; and
  - (b) must include a statement of the reasons for the making of the determination.
- (4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—
- (a) the land is ancillary to the place; and
  - (b) the person who owns the place, or part of the place—
    - (i) is the owner of the land; and
    - (ii) consents to its inclusion.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

## **Obligations of owners (section 42, 42A, 42B, 42C, 42D)**

### **42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given**

- (1) The owner of a place, object or land to whom a statement of recommendation has been given must advise the Executive Director in writing of—



- (a) any works or activities that are being carried out in relation to the place, object or land at the time the statement is given; and
- (b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land but not determined at the time the statement is given; and
- (c) any works or activities that are proposed to be carried out in relation to the place, object or land at the time the statement is given.

(2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.

#### **42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits**

(1) This section applies if—

- (a) an owner of any of the following is given a statement of recommendation—
  - (i) a place or object nominated under section 27;
  - (ii) an object nominated under section 27A;
  - (iii) land nominated under section 27B; and
- (b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—
  - (i) the making of an application for a planning permit or a building permit;
  - (ii) the making of an application for an amendment to a planning permit or a building permit;
  - (iii) the grant of a planning permit or building permit;
  - (iv) the grant of an amendment to a planning permit or building permit.

(2) The owner must advise the Executive Director in writing of—

- (a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or
- (b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

#### **42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities**

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.

(2) The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

#### **42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose**

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.

(2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

#### **42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser**

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.

(2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

#### **Owners of places and objects must comply with obligations (section 43)**

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

Penalty:            In the case of a natural person, 120 penalty units;  
                         In the case of a body corporate, 240 penalty units.