



National Trust Advocacy Toolkit

Advocacy Guide No. 1

Nominating a place or object for inclusion in the
Victorian Heritage Register



Ballarat Heritage Festival

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Introduction

About this Advocacy Guide

The purpose of this guide is to provide a broad overview of the processes for nominating a place or object for inclusion in the Victorian Heritage Register. This guide is not intended as a substitute for the detailed [guidelines published by Heritage Victoria and the Heritage Council of Victoria](#).

About the National Trust's Advocacy Toolkits

The National Trust Advocacy Toolkit is a series of free online resources and guides, developed by the National Trust of Australia (Victoria) to support community members to advocate for the protection of places of cultural heritage significance.

Cultural Heritage: Refers to the qualities of a society that are valued and passed on to future generations. Cultural heritage can be tangible and intangible, built and environmental, an object and a practise. Cultural heritage is not a frozen example in time, it is dynamic and adaptive, it is valued because it carries meaning, with qualities shared across communities and social barriers.

OBTAINING INDEPENDENT LEGAL ADVICE

This publication is intended only to provide a summary and general overview of relevant matters. It is not intended to be comprehensive nor does it constitute legal advice. While care has been taken to ensure the content is current, we do not guarantee its currency. You should seek legal or other professional advice before acting or relying on any of the content.

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Cover image: Old Melbourne Gaol by Hin Lim Photography.

Heritage Protection in Victoria



Heritage protection in Victoria operates at two primary levels: local and state. Most heritage places hold significance for local communities and are best protected through local government mechanisms. These places may be included in a Heritage Overlay within the local planning scheme, which is administered by Local Councils.

A much smaller proportion of places and objects are significant at the State level, as they contribute to the broader narrative of Victoria's history, beyond their local or regional context. Places and objects with State-level cultural heritage significance may be eligible for inclusion in the Victorian Heritage Register under the Heritage Act.

Heritage Victoria and the Heritage Council of Victoria are two separate entities that administer the *Heritage Act 2017* for all Victorians.

- **Heritage Victoria** is the Victorian State Government agency responsible for protecting places and objects of State heritage significance. It administers the *Heritage Act 2017*, and makes recommendations for what should and should not be included in the Victorian Heritage Register. It has responsibilities for land-based and maritime archaeology. It also assesses permit applications for works on places included in the Victorian Heritage Register.
- **The Heritage Council of Victoria** is an independent statutory body that provides advice on heritage matters, determines what is included in the Victorian Heritage Register, holds permit and registration reviews, and promotes public understanding of Victoria's cultural heritage.
- **The National Trust of Australia (Victoria) (NTAV)** is a non-government-organisation, we are a community based, not-for-profit that advocates for protecting heritage and provides independent advice to our members and the public.

➤ To better understand the role of these organisations, and the wider heritage protection system including Heritage Overlays, [click here](#).



Tiles at Labassa Mansion

Nominating to the Victorian Heritage Register

Places and objects, which are of cultural heritage significance to the state of Victoria, can be nominated to be included in the Victorian Heritage Register (VHR). As of May 2025, there were more than 2,400 places and objects included in the VHR.

Once a place or object is included in the VHR, a permit or permit exemption is required from Heritage Victoria before any works or activities can be undertaken to it.

The place or object can still be sold or used for a different purpose without a permit from Heritage Victoria, although a change of land use may require a planning permit from the relevant local council. A range of planning and other controls may also apply.

> You can find out if a place is included in the Victorian Heritage Register by searching the address [here](#).

Eligibility for inclusion in the VHR

Inclusion in the VHR requires meeting a high threshold of significance. As of March 2024, only around 10% of heritage places in Victoria were protected at the State level through the VHR, while approximately 90% were safeguarded by local government planning controls.

To be included in the VHR, a place or object must meet at least one of the Victorian Heritage Council's [eight criteria for inclusion](#), and meet the threshold for State-level heritage significance.



Black Powder Mill, courtesy of Sunshine and District Historical Society.

The threshold for State-level significance is high. The vast majority of heritage places in Victoria are significant to the locality or region, rather than the State more broadly. To be included in the VHR, the place or object must hold cultural heritage value to the whole State of Victoria, not just to a particular locality or municipality.

The [Heritage Council of Victoria's website](#) provides examples of places or objects that meet the "significance threshold" of each criterion to help you better understand each standard. Places of local cultural heritage, natural, or environmental significance are protected through local council planning schemes and various types of overlays, such as a Heritage Overlay or Significant Landscape Overlay – For more information on local protections see our other toolkit guides – You can check what local protections a property has by searching the address [here](#).

There is no minimum age requirement for a place or object to be included in the VHR. However, the Heritage Council of Victoria's guidelines state that, as a general principle, a generation (approximately 25–30 years) should pass after its creation to allow for a rigorous and objective assessment.

Exclusions

Some places or objects can be excluded from the VHR for a period of five years if they are to undergo a 'major development' (costing at least \$5 million) and have 'no reasonable prospect of inclusion in the heritage register'.

If an exclusion determination is made the Executive Director cannot accept a nomination for that place or object for five years except if the nomination contains new information and the Executive Director considers that information to be significant.

Applications to exclude a place or object from the VHR for 5 years can only be made by certain public authorities and government asset managers.

> You can learn more about exclusion determinations on the [Heritage Victoria website](#).

Please note that the Victorian Aboriginal Heritage Register holds information regarding known Aboriginal cultural heritage places and objects within Victoria. For more information about the protection of Aboriginal cultural heritage, go to [First Peoples – State Relations](#).

How to nominate a place or object for inclusion in the Victorian Heritage Register

Anyone can nominate a place or object for inclusion in the VHR—the owner’s permission is not required, but the owner can make submissions in relation to the matter. Nominations are made initially to Heritage Victoria. Nominations must clearly demonstrate that a place or object is of cultural heritage significance to the State of Victoria.

Just because a heritage place is under threat does not mean it is of State-level cultural heritage significance. If you are planning to nominate a place or object to the VHR, it is worth reviewing similar or comparative places or objects already in the VHR to ensure your proposed place or object is of equivalent or greater significance. Additionally, Heritage Victoria particularly encourages nominations that focus on themes or locations that are under-represented in the VHR. You can check the list of [priority areas for nomination](#), which may be helpful to consider for your nomination submission.

Below is a step-by-step guide to help craft your nomination.

1 Enquire with Heritage Victoria

Your first step should always be to [contact Heritage Victoria’s registrations team](#). This is important, as they will be able to confirm if the place or object you wish to nominate has already been nominated or is currently excluded from the VHR, and provide some guidance.



2 Complete the nomination form

To nominate a place or object, use Heritage Victoria’s nomination form, available through [Heritage DESK](#). You will need to log in or create an account.



3 Follow the guidelines

Review the Heritage Council’s Victorian Heritage Register [Criteria and Threshold Guidelines](#).



4 Description

Describe the place or object being nominated and include the place boundaries if appropriate.



5 Respond to the criteria for assessment

Your nomination must demonstrate how the place or object qualifies for at least one of the eight criteria.

Tips:

- Usually, places included in the VHR qualify for one to three criteria. However, a place or object only needs to satisfy one criterion to qualify.
- When preparing your nomination, select the most relevant criteria and concentrate your arguments on those.
- Successful nominations make strong arguments under a few criteria, rather than less convincing arguments across several criteria.
- First make sure you demonstrate that the place or object meets the basic test for each relevant criterion, as set out in the guidelines.

6 Demonstrate the place or object meets the criterion/criteria at a state level

You must also demonstrate that the importance of the place or object goes beyond its significance to your local community or region, and that it meets the required criteria at a state level.

Tip:

- Check you have demonstrated that the place or object meets the test for determining State-level significance relevant to each criterion, as set out in the guidelines. One way to demonstrate this is to compare the place or object to similar places and objects already included in the [VHR](#).



7 Support your nomination with evidence

Research the place or object you are nominating. Providing Heritage Victoria with relevant and succinctly expressed information will help them to assess your nomination more efficiently.

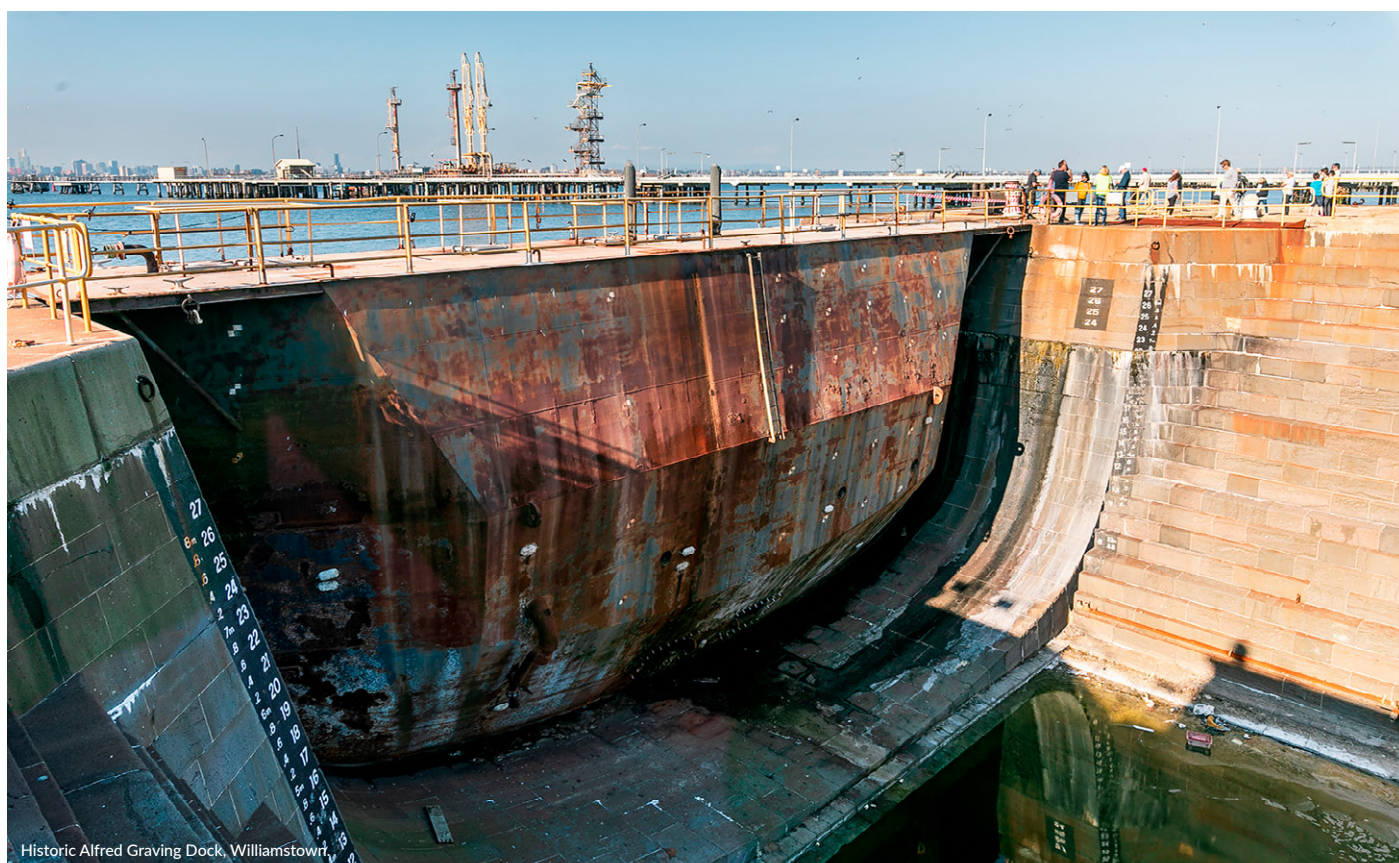
Tip:

- If you need assistance, consider contacting your local library, local historical society, the State Library of Victoria, or the Public Records Office of Victoria - The NTAV also retains hard copy and digital files on our collections, buildings, gardens and classified sites, for more information on accessing our archive, view our research services [here](#).



8 Ensure that you have provided all the information required

Before you submit your nomination, run through the nomination checklist on the nomination form. If you do not provide all necessary information Heritage Victoria is likely to ask you for more information, and the process will take longer.



Historic Alfred Graving Dock, Williamstown

Acceptance of a nomination for inclusion in the Victorian Heritage Register



When you submit a nomination to the VHR, Heritage Victoria will then decide whether to accept the nomination or not.

Heritage Victoria may request further information. You must provide this information within 30 days of the date of the request, or your nomination will be deemed to have been withdrawn.

If your nomination is accepted

If Heritage Victoria accepts the nomination, then the nominator of the place or object, the owner, and the local council will all be notified. Once a nomination is accepted, there is no set timeframe for the nomination to be assessed by Heritage Victoria. Heritage Victoria receives a high volume of nominations, and the assessment process may take many months or longer. Nominations for places or objects, which are under imminent threat, may be prioritised (also see Interim Protection Orders below).

If your nomination is refused

Heritage Victoria may refuse a nomination if it believes that there is no reasonable prospect of the proposed place or object being included in the VHR. **Approximately 50% of nominations are refused on this basis.**

If a nomination is refused, that place or object cannot be nominated again for a period of five years, unless new information comes to light.

If Heritage Victoria refuses a nomination, it must let you (the nominator) know, and provide reasons for the refusal. It must also inform the owner and the local council.

Requesting a nomination review

A nominator may request the Heritage Council of Victoria to review a decision to refuse a nomination. To do so, you must apply within 28 days of Heritage Victoria's decision to refuse the nomination by filling out the [Heritage Council Form](#) on the Heritage Council's portal [HCV Hub](#).

There is a **fee** for requesting a nomination review, though some community groups can apply for this fee to be waived.

In determining a review application, the Heritage Council may either:

- Confirm the original decision by Heritage Victoria.
- Set aside the decision by Heritage Victoria and make another decision in substitution for it.
- Refer the matter back to Heritage Victoria for reconsideration in accordance with any directions or recommendations.

➤ Learn more about how the Heritage Council of Victoria makes these determinations [here](#).

Executive Director recommendations and consideration by the Heritage Council

After assessing your nomination of a place or object, the Executive Director of Heritage Victoria makes a recommendation to the Heritage Council on whether the place or part of the place, or object **should** or **should not** be included in the VHR.

Notice of recommendation

When Heritage Victoria makes its recommendation, it must advise you (as the nominator of the place or object), the owner, and the local council. The statement of recommendation includes the reasons for the recommendation and an assessment of the state-level cultural heritage significance of the place or object.

The recommendation will also be published on the [Heritage Council's website](#) for 60 days. During this time, anyone can make a submission to the Heritage Council about whether they support or object to the Executive Director's recommendation, as well as request a hearing on the matter.

Tip:

- Heritage Victoria is responsible for assessing whether a place or object is of cultural heritage significance at the State level. Heritage Victoria does not assess or provide advice on local-level significance, which falls within the jurisdiction of local government. A recommendation or finding by Heritage Victoria regarding State-level significance does not diminish or override any heritage value a place or object may hold at the local level.

Submissions on Executive Director recommendations

Any person or body may make a submission to the Heritage Council **in response** to a recommendation on inclusion using the *Form A—Submission to the Heritage Council*, available on the [HCV Hub](#). The submission must be made within 60 days of the Executive Director's recommendation being published.

Sewing box at McCrae Homestead, NTAV collection.



Jack's Magazine, Maribymong.



National Wool Museum, Geelong.

Registration hearings

The Heritage Council may decide to conduct a registration hearing regarding inclusion in the VHR and must do so if a submission is made by a person or body with a real or substantial interest in the place, object or land. These hearings provide the opportunity to present a detailed submission in person before a committee of at least three Heritage Council members.

Once a registration hearing is scheduled, **any person or body** who made an initial submission on the Executive Director's recommendation can make a detailed written submission and present it before the Heritage Council.

Preparing a registration hearing submission

While you can simply rely on your *Form A* submission to the Executive Director's recommendation, a registration hearing is an opportunity to make further written submissions that expand on the matters you raised and introduce more detail, including new material or arguments. However, once you are at the actual hearing you cannot rely on anything you have not previously introduced. There are strict [protocols about hearings](#) which you should review before embarking on the process.

When setting out your reasons for supporting or objecting to the Executive Director's recommendation, focus on the cultural heritage significance of the place or object. For a place or object to be included in the VHR, it must meet at least one of the Heritage Council of Victoria's eight criteria for assessment. Your submission should respond to at least one criterion and detail how the place or object meets the criterion. There are many matters the Heritage Council cannot consider, including the ongoing use and management of the place. These are outlined in the Heritage Council's [guidance protocol](#).

You may also wish to comment on the extent or boundaries of the proposed registration, and whether you think they are adequate to protect the significance of that place or object.

Tips:

- Be succinct—submissions, which are concise and to the point will be received well by the Heritage Council committee. Edit your submission and ask someone to proofread it before you submit it.
- Choose your best arguments—give your time to your strongest arguments and be ruthless in cutting out weaker arguments that may take the focus away from your main points. Ensure your arguments relate to matters the Heritage Council can consider at a Registrations Hearing.

- Avoid personal grievances—personal attacks on the character of the owner, special interest groups, or the property manager are not relevant to the Heritage Council’s considerations and will distract attention from your genuine objections.
- Check the closing dates by which you need to have submitted your submission and any request to participate. The Heritage Council hearing and submission filing dates are listed on the [Heritage Council’s website](#) under “Registration” Type.
- Allow yourself plenty of time: your submission may require new visual and documentary information, you may also wish to engage an expert to produce an expert witness report, and this can take time.

When to engage an expert witness

Engaging an expert witness to support your submission is not essential, but it can help to strengthen your case. If you wish to rely on expert evidence, a report by the expert should be submitted with your detailed submission. If you engage an expert witness to provide evidence at the registration hearing, they must be available to attend the hearing to present their evidence and be cross-examined.

The role of an expert witness is different from that of a submitter. An expert witness has established credentials in a field, usually through a combination of qualifications and professional experience. While a property owner or submitter might hire an expert, the duty of an expert is to provide fair and impartial evidence to the Heritage Council and not to advocate for the party relying on their evidence.

When an expert witness provides evidence at a registration hearing, they may be cross-examined by any other party, including legal representatives. It is important to consider that appearing as an expert witness can be a very challenging role to play. There are also [specific protocols](#) that both you and your expert must follow.

You can find heritage experts in a range of disciplines on the National Trusts’ [Victorian Heritage Services Directory](#). Sometimes experts may provide pro-bono or discounted services to community groups, but you should be prepared to raise funds. Always ask about what fees will be charged.

Preparing a registration hearing “submission in reply”

Before the registration hearing, you will receive copies of all Form A submissions made in response to the recommendation, as well as any further submissions made, including any expert evidence other parties intend to rely on. You will then have an opportunity to provide a written submission in reply, addressing any matters raised, your reply will also be circulated to all parties ahead of the hearing.

Tip:

- Remember that no new information may be introduced at the registration hearing. If you have discovered something since lodging your detailed submission include it in your submission in reply, otherwise you will not be able to rely on it at the registration hearing.

Presenting your submission

Registration hearings are managed by the [Heritage Council’s secretariat](#), who can be contacted prior to the hearing if you have any questions about the process. Heritage Council hearings are designed to be more informal than a court environment but are still a formal proceeding.

All parties should be respectful of the committee and other participants. Be careful not to interrupt those making submissions, or experts, while they are presenting to the committee. You can choose to present your submission yourself or to be represented by someone else (such as a lawyer or town planner).

Tips:

- Be as brief as possible.
- Reflect the main arguments of the written material you have lodged—the more time you spend in preparation (including reviewing expert evidence and other submissions) the better, you will be able to focus on these.
- Avoid restating points made by previous speakers
- Use images and plans where this is useful to help you make your argument. You can include images in your written submission or prepare a visual presentation in a program such as Microsoft PowerPoint to show at the hearing. Avoid including images, maps or plans which do not support your main arguments. A few key images can be more effective than a lengthy or repetitive slideshow of historic images.
- You may only use material (including images) that was in your submissions—no new material can be introduced.

Asking questions and cross-examination

Other parties typically cannot question submitters. However, questions are allowed for the purpose of clarification, with the chairperson's permission.

Any party can directly question an expert witness. The chairperson may disallow questions that they consider inappropriate or badgering of the witness.

If you have not engaged your own expert witness, but another party at the hearing has, you may still ask the expert witness questions within an allocated time if you wish to establish something, which will assist your argument. You should not interrupt an expert witness while they are giving their evidence; instead wait until the appropriate time. The chairperson will ask you if submitters have any questions once the evidence has been presented.

Generally, limit your cross examination to one or two relevant questions and only ask closed questions (which have a clear "yes" or "no" answer). You should read the expert's witness statement (which you will have received in advance) to assist you and try to prepare your questions before the hearing.

Tip:

- Asking questions just for the sake of doing so or asking the wrong question can hinder rather than help your case. If you ask a question, which is not directly relevant, the chairperson may direct the expert not to answer it.



Heritage Council determination

After considering the Executive Director's recommendation on inclusion in the VHR, as well as any submissions received and conducting a registration hearing, the Heritage Council will determine whether the place or part of the place, or object, is of state-level cultural heritage significance and **should** or **should not** be included in the VHR.

Either the Heritage Council must make its determination within 40 days of the closing date for written submissions or, if a hearing is conducted, within 90 days of the completion of the hearing.

When determining that a place should *not* be included in the VHR, the Heritage Council may refer the recommendation and any submissions to the relevant municipal council for consideration of an amendment to the local planning scheme (such as applying a Heritage Overlay).

If you have been a party to a hearing, the Heritage Council will notify you in writing of its decision. The decision will also be published on the [Heritage Council website](#).



Interim Protection Orders

An **Interim Protection Order** (IPO) is a legal safeguard to temporarily include a place or object in the VHR while it is assessed for state-level cultural heritage significance.

If you are concerned that there is an immediate or imminent threat to a place or object that is clearly of state-level cultural heritage significance - but is not yet included in the VHR - you can apply for an IPO under the *Heritage Act 2017*.

If an IPO is issued, the place or object is treated as though it is already included in the VHR, and it will be subject to the Heritage Act. Although this grants a degree of protection, it also means that owners can apply for permits to alter the place.

Note that IPOs are rarely issued. An application needs to demonstrate both a clear case for State-level cultural heritage significance and an immediate or imminent threat. **An immediate or imminent threat may include:**

- A demolition permit for the place or object has been issued.
- A planning permit that would damage significant cultural heritage elements of the place or object has been issued.
- There is evidence of plant and equipment being mobilised for the purposes of demolishing significant cultural heritage elements of the place or object.
- There is evidence of an imminent proposal to destroy, remove or disassemble the object or significant cultural heritage elements of the place.
- There are known proposals to relocate the significant cultural heritage elements of the place or object to another location.

An immediate or imminent threat does not include:

- The sale of a property
- A planning permit application for minor works.

Tips:

- Ensure you consider if the place is subject to a Heritage Overlay in a planning scheme, and whether a permit has been approved, or is still being assessed by the relevant planning authority. An application for an IPO should be the very last resort. If a place is likely of local level heritage significance, it is better to discuss it with your local council.
- For an IPO application to succeed, you must be able to make a strong argument that the place is significant to the wider state. Demonstrating heritage value to a locality or municipality, but not to wider Victoria, is not enough. If a place or object is important to your local area but potentially not of state-level cultural heritage significance, contact the relevant **local council** for advice.

A request for an IPO can be submitted to either Heritage Victoria, via **Heritage DESK**, or the Heritage Council via **HCV Hub**.