



24/01/2023

Martin Turnor  
Bryce Raworth Pty Ltd  
246 Albert Road  
South Melbourne VIC 3205

Via email: [REDACTED]

Dear Martin,

**RE: PERMIT APPLICATION P36960 - ATHENAEUM, 28-36 OCEAN BEACH ROAD SORRENTO,  
MORNINGTON PENINSULA SHIRE (H2227)**

Thank you for your application for a heritage permit for the above Place. A heritage officer has been allocated to your application and has reviewed your documentation.

**Impacts on cultural heritage significance**

Heritage Victoria maintains concerns raised at pre-application stage regarding the proposed demolition of 1930s/50s fabric, including both banks of 1930s Moderne doors (three of which we understand were relocated to their current position as part of c1950 works) and the projection room (which we understand dates from the 1950s).

It is noted that the Mornington Peninsula Shire Council shares these concerns, and a copy of its referral response is included in Heritage Desk for your review and response.

Heritage Victoria is also concerned regarding the proposal to demolish the stairs to the first-floor shopkeeper's residence that date from the original construction of the building. The stairs contribute to an understanding of the original configuration of the place with shops and residence above, and therefore their removal may harm the cultural heritage significance of the Place.

**Reasonable or economic use**

Pre-application advice issued in September 2022 noted that a permit application would need to include a reasonable and economic use argument for consideration against s101(2)(b) of the *Heritage Act 2017* (the Act). Reasonable use and economic use are assessed separately.

The 'economic use' consideration is concerned with the economic functioning of the registered place and is not focused on the financial circumstances of the applicant or owner. Consideration is of reasonable or economic use, not reasonable or economic development. The feasibility of a proposed development may be relevant insofar as it relates to the viability of an ongoing use or an adaptive re-use of the registered place. In relation to the viability of the proposed development, you are required to provide evidence that it is required to facilitate an economically sustainable use of the place.

Heritage Victoria understands that you propose the adaptive reuse of the Sorrento Athenaeum for retail/commercial tenancy to represent an economically sustainable use of the registered place. However, further detail is required, specifically in relation to the most substantial impacts associated with the proposed development, being the demolition of the original stairs to the first-floor residence, and the removal of 1930s/50s fabric including the Moderne doors and projection room. Heritage Victoria is seeking to



understand to what extent the proposed commercial use could be facilitated without the impacts associated with this new retail offering.

### Further Information Request

Further to the above, and to assist the Executive Director, Heritage Victoria in determining your application, you are required to provide the following additional information under s98 of the Act:

- A response regarding the concerns raised by Heritage Victoria above regarding impacts of the proposal on the cultural heritage significance of the place, including:
  - An options analysis which examines alternatives to:
    - Removing the c1930 Moderne doors, including options for relocation of the proposed entry so that the Moderne doors can be retained; and
    - Removing the projection box and original staircase.
  - An audit prepared by a heritage conservation professional of each element in the foyer, including its installation date and provenance, to confirm that any fabric from the 1950s or earlier to the foyer is to be retained.
- Further detail regarding reasonable use and economic use, including a response which demonstrates how the proposed retail/commercial use requires the proposed level of intervention in order to be an economically sustainable use of the place. We would expect to understand how refusal might limit the capacity of an existing or compatible commercial use to generate income to cover: conservation and maintenance of the registered place; capital improvements to ensure the continued use of the registered place for a use that contributes to its significance, including reasonable debt repayment and interest costs; rates and land tax directly associated with the registered place.
- A response regarding the issues raised in the attached referral response from Mornington Peninsula Shire Council, which relate to the actions for which you seek permit approval.

This information is required by no later than 31 March 2023. Your application will lapse under s98(2) of the Act if you do not provide the requested information by this date. The email address to which you should send this information is [heritage.permits@delwp.vic.gov.au](mailto:heritage.permits@delwp.vic.gov.au).

Please note that, under s99(d) of the Act, the 60-day period within which your application would ordinarily be determined has been suspended until you provide the information that has been requested.

You may request additional time to provide the information which will be considered in accordance with ss98(4), (5) and (6) of the Act.

If you would like to discuss this request please contact [REDACTED], Heritage Officer (Permits) on [REDACTED]

Yours sincerely

Janet Sullivan  
Principal Heritage Permits



Department of Transport  
and Planning

Heritage Victoria

(As delegate for the Executive Director, Heritage Victoria pursuant to the Instrument of Delegation)