

## **H0124 St Andrews Church Precinct, 15 St Andrew's Street, Brighton**

### **Permit Application P31439**

#### **Why is St Andrews Church Precinct of cultural heritage significance?**

St Andrews Church Precinct is included in the Victorian Heritage Register under the provisions of the *Heritage Act 2017* for its historical, architectural and aesthetic significance to the State of Victoria.

St Andrews Church Precinct is an extensive and highly intact church complex which has associations with the early history of the Anglican Church in Victoria. It contains a graveyard (1843), school house (1857), church (1857 and 1962), parish hall (1925), lych gate (post 1926) and vicarage (1928) which are all significant and intact contributory elements from the nineteenth and twentieth centuries. Together they demonstrate the development of a significant Anglican church site, which was destined to be the cathedral centre of the proposed Mornington Diocese if the anticipated division of the Melbourne diocese had occurred.

#### **What was the permit application for?**

In September 2019 Heritage Victoria received a permit application for the demolition of the existing tennis court pavilion, three tennis courts and associated fences and lights and removal of trees to accommodate the construction of a two-story building with rooftop tennis courts (including fencing and lighting) and a three-level basement and associated landscaping.

The new development is to provide learning spaces for Brighton Grammar School, new parish offices and a parish welcome centre for St Andrew's Anglican Church and three rooftop tennis courts for the St Andrew's Tennis Club. A portion (approximately one third) of the development falls outside the extent of registration.

The permit application was advertised between 23 October 2019 and 6 November 2019 with two submissions received.

#### **Why has the permit been refused?**

The *Heritage Act 2017* requires the Executive Director of Heritage Victoria to consider various matters in determining a permit application including the extent that the application, if approved, would affect the cultural heritage significance of the place; the extent that refusal would affect the reasonable or economic use of the place; and any submissions received in response to public notice of the permit application.

On 6 May 2020, the Executive Director of Heritage Victoria refused the permit application for the following reasons:

- If the application were approved, and the tennis courts replaced with the proposed building, it would result in unacceptable and irreversible detrimental impact on the cultural heritage significance of St Andrews Church Precinct.

- The construction of a two-storey building with rooftop tennis courts and a three-level basement and associated landscaping in the proposed location would adversely affect the cultural heritage significance of St Andrews Church Precinct and its setting as it:
  - is visually dominant in relation to the existing buildings and precinct as a whole, due to its scale, bulk and materiality;
  - adopts an architectural design that is at odds with the visual setting of the adjacent Parish Hall, Church and precinct as a whole;
  - erases the legibility of the north-east boundary of the precinct by constructing a singular building form across both the school site and tennis court site;
  - physically divides the precinct through the insertion of an external canopy linking the Church, Parish Hall and proposed new development;
  - provides limited offset from the Parish Hall and an unsympathetic edge treatment, being the entry to the underground carpark; and
  - diminishes the views to the Church and legibility of the precinct from St Andrews Street.
- Refusal of the permit application will prevent the works as proposed from being realised. Heritage Victoria accepts that new development to provide for the contemporary needs and revenue required by the Church may be appropriate. However, it has not been sufficiently demonstrated that the requirements of the Church could not be met without having such a significant impact on the registered place.
- The negative impacts of the proposal are not outweighed by the benefits, including the economic benefits.

#### **Can the applicant appeal the decision?**

The applicant can choose to apply to the Heritage Council of Victoria for a review of the Executive Director's decision within 60 days of receiving the refusal notice. The Heritage Council is an independent statutory authority established under the *Heritage Act 2017*.