

Heritage Council Determination

Determination date	6 February 2025
Place name	See Yup Temple ('the Place')
Location	76 Raglan Street and 141–143 Cobden Street, South Melbourne, Port Philip City, Bunurong Country
VHR number	H0219
Category	Registered Place
Relevant legislative provision/s	Amendment to the Victorian Heritage Register, pursuant to Part 3 and Part 5 of the <i>Heritage Act 2017</i>

Determination of the Heritage Council

The Heritage Council of Victoria determined on 6 February 2025, in accordance with Part 3 and Part 5 of the *Heritage Act 2017* ('the Act'), that the registration of the See Yup Temple is to be amended in the Victorian Heritage Register ('VHR').

The Heritage Council determined to make the following amendments to the Victorian Heritage Register as outlined in the Executive Director's recommendation:

- adding the category Registered Place to the existing registration
 - including additional land in the VHR being all of the Place shown hatched on Diagram 219
 - determining categories of works or activities which may be carried out in relation to the Place for which a permit is not required.
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About the Place

Description

Extract from the Statement of Significance as provided in the Executive Director's Recommendation, for information only.

The See Yup Temple comprises the Classical Revival complex designed by George Wharton dating from 1866, the 1901 Ancestral Hall designed by Harold Desbrowe Annear in the Arts and Crafts style, and both the 2002 Ancestral Hall and 2003 Guanyin Pavilion by architect Cheung Sui Fung.

The 1866 complex consist of three halls (separated by open passageways), a kitchen building and courtyard. The Guan Di Hall is the principal entry to the temple complex and is dedicated to the worship of Guan Di. In the God of Wealth Hall, the ground floor is dedicated to the God of Wealth, and upper floor dedicated to Tse Wei. The 1866 Ancestral Hall, to the east, is the first of three ancestral halls for the worship of ancestors and contains 10,000 ancestral tablets for ancestors who died before 1900.

Located east of the 1866 complex, and linked to it through an open passageway, is the 1901 Ancestral Hall containing 4000 ancestral tablets. The 2002 Ancestral Hall is the next building to the east.

The 2003 Guanyin Pavilion is dedicated to the worship of Guan Yin, the Goddess of Mercy and Compassion, and is located within the western, walled courtyard.

To the south of the buildings, across the narrow, unnamed bluestone lane, is the open space addressing Raglan Street with a paved path running north to south and enclosed by cast iron fences and gates on the north and south sides and brick walls to the east and west.

Background

Executive Director's Recommendation ('the Recommendation')

The cultural heritage significance of the See Yup Temple was recognised when it was included in the (former) Historic Buildings Register in 1974.

On 11 September 2024 the Executive Director made and accepted an application to amend the registration of the place to ensure is the registration of the Place is consistent with current practices under the Act.

On 2 October 2024, the Executive Director made an Interim Protection Order ('IPO') for the Place. The Executive Director's Recommendation was made as a result of the IPO, which requires that the Executive Director must make a recommendation on whether to include a place or object in the Heritage Register within 60 days of making an IPO.

On 19 November 2024 the Executive Director made a recommendation to the Heritage Council ('the Recommendation') that the existing registration of the Place should be amended in the VHR. The Recommendation was advertised publicly for a period of 60 days, beginning on 22 November 2024.

Section 44 submissions

During the 60-day public advertisement period, one submission was received pursuant to section 44 of the Act. The submission did not request a hearing be held and did not object to the Recommendation in principle. The submission suggested changes to the description and history of the Place as provided in the Recommendation.

Executive Director's response to submissions

The Executive Director was provided with a copy of the submission and advised the Heritage Council that the suggested changes would be considered and integrated into the record for the Place where appropriate.

Neither the description nor history are statutory elements of the registration for the Place, however the Heritage Council notes that the Executive Director will consider the changes suggested in the submission and may amend the description and history as appropriate.

Amendment application

Reasons for amendment

In February 2024 a fire at the Place caused significant damage. To support the restoration and repair process and enable the continued use of the place for worship, the Executive Director prioritised an update to the existing registration to ensure clarity about permit approval processes and permit exemptions.

Additional land

The Executive Director recommended that the Heritage Council amend the registration of the Place because in accordance with section 40(4)(c)(i) and (ii): (i) the State-level cultural heritage significance of the Place would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the Place were developed; and (ii) the additional land surrounds the Place and is important to the protection or conservation of the Place; and contributes to the understanding of the Place.

Assessment and summary under section 40(4)(c)(i)

- The current registration applies to the buildings at the rear of 76 Raglan Street that existed at the time of the heritage registration in 1974, including the Guan Di Hall, God of Wealth Hall, Ancestral Hall 1 (1866), the kitchen, Ancestral Hall 2 (1901), and the fence to the unnamed laneway.
- The open passageways and courtyards between these buildings are a traditional temple design feature that allows the flow of spiritual energy and reduces fire risk. These passageways and courtyards have always been used in conjunction with the buildings and have been part of the Place since its construction. In addition, a small forecourt between the Temple buildings and the fence to the unnamed laneway has always been part of the Place.
- The complex now includes two additional buildings - the 2003 Guanyin Pavilion in the western courtyard, and the 2002 Ancestral Hall (directly adjacent, and attached to, the 1901 Ancestral Hall). Both are integral parts of the complex and are part of its day-to-day functioning as an active place of worship.
- The open space to the south of the Temple, fronting Raglan Street, has been formed by the gradual acquisition, since 1867, by the See Yup Society of single lots and progressive demolition of structures. This process has enabled open space at the entrance, and views, to the Temple, possibly expressing the principles of Feng-shui. The paved path which travels north-south through the open space and wrought iron fencing on each side of the space have been part of the space and in the same positions since approximately 1869-1874. The open space does not contain the plants and elements found in traditional temple gardens and was almost always an open grassed area until the 1970s. It functions as a transition space between the street and Temple and is also used for reflection, informal social interaction and by the wider community.
- If any of the land (passageways, courtyards, 2002 ancestral hall, open space to the south) were developed, there is potential for the development to substantially reduce the State-level cultural heritage significance of the Place.
- Including additional land will ensure that all works are managed through an approval process consistent across the entirety of this Place and would provide certainty for all parties.

Assessment and summary under section 40(4)(c)(ii)

- The current extent of registration is limited to the buildings and structures at the rear of 76 Raglan Street that existed in 1974, including the 1866 temple buildings and 1901 Ancestral Hall. This is insufficient to protect, conserve and allow for a proper understanding of the place.
- The open space to the south of the temple, facing Raglan Street is now an integral part of the complex and its day-to-day functioning as an active place of worship.

- The temple buildings (at the rear of the site), and the open space (facing Raglan Street) are separated by a council managed bluestone laneway. The narrow laneway is important to the protection or conservation of the Place given its close proximity to the temple and open space.
- If new buildings or works were constructed near the temple, particularly on the open space, it would have the potential to diminish the spiritual values as well as the setting and context of the temple complex and therefore reduce its State-level cultural heritage values.
- Including an area of land around the buildings will enable new development immediately adjacent to the building to be managed under an approval process.
- Inclusion of an area of land around the buildings will also enable works that could potentially impact the conservation of the buildings, such as drainage and paving, to be managed under an approval process.

Change of name

The Executive Director recommended changing the name of the Place in the VHR from 'Chinese Temple' to 'See Yup Temple'. The new name reflects its cultural origins and the name by which it is known in the community.

Heritage Council's Criteria

The Place was included in the Historic Buildings Register in 1974, before the introduction of the Heritage Council's *The Victorian Heritage Register Criteria and Threshold Guidelines* (2012). The Executive Director recommended that the following Heritage Council Criteria (**Attachment 1**) are applicable to the existing registration of the Place:

- **Criterion A** – Importance to the course, or pattern, of Victoria's cultural history
- **Criterion B** – Possession of uncommon, rare or endangered aspects of Victoria's cultural history
- **Criterion D** – Importance in demonstrating the principal characteristics of a class of cultural places and objects
- **Criterion G** – Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons
- **Criterion H** – Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

The Heritage Council notes the recommendation to add the above Criteria to the existing registration but makes no determination in relation to the above.

Heritage Council's findings

The Heritage Council's statutory remit is confined by the *Heritage Act 2017*. When a place or object is included in the VHR, the description, history, statement of significance and permit policy do not form statutory components of the Heritage Register, therefore the Heritage Council makes no comment on proposed amendments to them. Nonetheless, those elements assist in understanding and managing places and objects included in the VHR so are noted in this determination. The Heritage Council's decision is confined to the extent of registration, permit exemptions and name.

The Heritage Council's findings in relation to the Place are in accordance with the Executive Director's Recommendation. The Heritage Council determined that the additional land is important to the protection, conservation and understanding of the Place, and that if the land were developed the State-level cultural heritage significance of the Place may be impacted.

The Heritage Council determined that the permit exemptions recommended by the Executive Director would not harm the cultural heritage significance of the Place.

Change of name

The Heritage Council determined that the change of name from 'Chinese Temple' to 'See Yup Temple' is appropriate and should be amended in the VHR.

Extent of Registration

The Heritage Council determined that the Extent of Registration recommended by the Executive Director is appropriate.

The Extent of Registration is provided as **Attachment 2** and includes all of the place shown hatched on diagram 219.

The recommended extent of registration comprises the eight land parcels on which the temple buildings and open space are located as well as a section of the unnamed laneway between the buildings and open space. The laneway is managed by the City of Port Phillip.

This extent of registration ensures that both the fabric of the temple buildings, land in between them, as well as boundary walls and fences, and open space are protected.

The extent of registration comprises all the land, all soft and hard landscape features, and all buildings (exteriors, interiors and fixtures).

A permit or permit exemption from Heritage Victoria is required for any works within the proposed extent of registration, apart from those identified in the categories of works or activities in this recommendation.

Permit exemptions

The Heritage Council determines that the permit exemptions recommended by the Executive Director would not harm the cultural heritage significance of the Place.

The permit exemptions are provided as **Attachment 3**.

Conclusion

The Heritage Council has determined, pursuant to Part 3 and Part 5 of the *Heritage Act 2017*, that the existing registration of See Yup Temple is to be amended in the Victorian Heritage Register.



Professor Philip Goad
Chair, Heritage Council of Victoria

Attachment 1

Heritage Council criteria for assessment of places and objects of cultural heritage significance

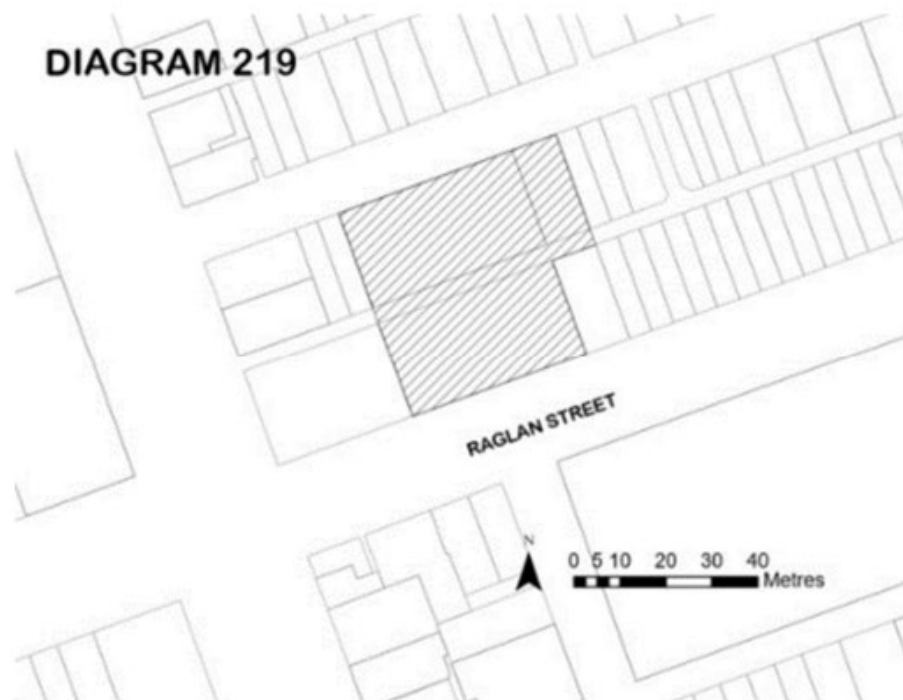
Criterion A	Importance to the course, or pattern, of Victoria's cultural history.
Criterion B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
Criterion C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
Criterion D	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
Criterion E	Importance in exhibiting particular aesthetic characteristics.
Criterion F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
Criterion G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
Criterion H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.

Attachment 2

Extent of Registration

All of the place shown hatched on Diagram 219 encompassing all of Lots 1, 2, 3, 4, and 5 of Title Plan 949973, Lots 1 and 2 of Title Plan 20802, and Lot 1 of Title Plan 902146, and part of the road reserve of the unnamed lane.



Attachment 3

Categories of Works or Activities which may be undertaken without a Permit (Permit exemptions)

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 be prepared to guide management of the place in a manner which respects its cultural heritage significance.

Permit exemptions

General exemptions

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the *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 of Heritage Victoria 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 of Heritage Victoria 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 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 exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the See Yup Temple subject to the following guidelines and conditions:

Guidelines

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.

Conditions

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 Secretary (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

Unnamed laneway (maintained by Port Phillip City Council)

1. The repair of surfaces within the road casement provided that all repairs are undertaken on a like for like basis with careful attention to construction details and the retention of as much original bluestone fabric as possible.
2. The removal, repair or installation of underground services, utilities and drains within the road casement provided that the surface is carefully returned to its former appearance upon completion.