

# Heritage Council Determination

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<b>Determination date</b>	4 June 2026
<b>Place/Object name</b>	St John's Anglican Church
<b>Location</b>	1 Burgundy Street, Heidelberg, Banyule City, Wurundjeri Country
<b>VHR number</b>	H0197
<b>Category</b>	Registered Place
<b>Relevant legislative provision/s</b>	Amendment to the Heritage Register, pursuant to section 62 of the <i>Heritage Act 2017</i>

## Determination of the Heritage Council

The Heritage Council of Victoria determined on **4 June 2026**, in accordance with Part 3 and Part 5 of the *Heritage Act 2017* ('the Act'), that the above place is to be amended in the Heritage Register.

The Heritage Council determined to make the following amendments to the Heritage Register:

- including additional land in the Heritage Register being all of the place shown hatched on Diagram 197 in accordance with section 49(1)(d)(i) and (ii) of the Act.
  - determining categories of works or activities which may be carried out in relation to the place for which a permit is not required (specific permit exemptions) in accordance with section 49(3)(a) of the Act.
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## Executive Director's Recommendation ('the Recommendation')

The State-level cultural heritage significance of St John's Anglican Church, located at 1 Burgundy Street, Heidelberg, Banyule City, Wurundjeri Country ('the Place') was recognised in 1974 by its inclusion in the (former) Register of Historic Buildings.

On **20 February 2026** the Executive Director made and accepted an application to amend the registration of the Place to ensure it is consistent with current practices under the Act.

On **16 March 2026** the Executive Director made a recommendation to the Heritage Council ('the Recommendation') that the existing registration for the Place should be amended in the Heritage Register.

The Recommendation was advertised publicly for a period of 60 days, beginning on **20 March 2026**.

## Section 44 submissions

During the 60-day public advertisement period no submissions were received pursuant to section 44 of the Act.

## The Place

### History extract

[Extracted verbatim from page 3–4 of the Executive Director's Recommendation]

#### ***Wurundjeri Country***

*The Wurundjeri people have an unbroken connection to the land and waters around Heidelberg from time immemorial. Wurundjeri Country includes the city of Melbourne (Narrm) and an area extending north to the Great Dividing Range and beyond, west to the Werribee River, and east to Mount Baw Baw. It includes the Birrarung (Yarra River) which flows in close proximity to St John's Church and 'forms a central part of the Dreaming of the Wurundjeri'. Wurundjeri are connected to the Birrarung through spirit culture and nature and have deep cultural obligations to river.*

*The Yoorrook Justice Commission recorded how colonisation brought irreparable damage to First Peoples in Victoria with the introduction of diseases, massacres, dispossession from Country, confinement on missions and reserves, forced labour, separation of families and ongoing policies and practices that perpetuate systemic injustice.*

*The Wurundjeri continue to live, work, practise culture and manage land and waters around Heidelberg.*

#### ***St. John's Anglican Church***

*The Village of Warringal (Heidelberg) was first planned in 1839, in the early years of colonisation of what we now call Victoria, while the Port Phillip District was still part of New South Wales. Most of the town was laid out in the standard north-south grid of colonial surveyors, except for the block bounded by Burgundy, Jika and Vine streets, which was set at an angle to respond to the Birrarung (Yarra River). In 1839, a two-acre reserve on Burgundy Street was set aside for an Episcopalian Church. Heidelberg at this time was a district of Melbourne, only half an hour's ride from the city by horse. The ample space and beautiful scenery provided by the fertile river valleys appealed to colonists. For this reason, it was a popular site for the wealthy and prominent men of Port Phillip society to build country residences.*

*In 1848, the congregation of St John's was established, and Anglican services began to be held in the Presbyterian church in Jika Street. Plans were prepared by architect John Gill for a new church on the grant of land in Burgundy Street. Some secondary sources credit G.R. Cox with the design, however contemporary accounts and tender notices suggest that the stone church was designed by Gill. The builders, Snowball and Atchison, began work in 1859, and the foundation stone was laid in 1850 by then bishop,*

*Charles Perry. The building was constructed from brick on a bluestone plinth, in a picturesque, treed setting with the Birrarung (Yarra River) running south of the site. The church accommodated 150 people. It comprises a box-like nave with simple lancet windows, a chancel, vestry, and squared tower with pinnacles, through the base of which is the entry. The architectural style of the church has been variously identified as Early English Gothic by J.M. Freeland, and Low & Mixed Gothic: Commissioners' Style/Regency/Stuccoed by Miles Lewis.*

*The current statement of significance describes it as 'simple gothic architecture'. The church was completed in 1851 at a cost of £1,343, made up of local contributions and a government grant.*

*Congregants who donated to the construction included David Charteris McArthur, owner of Charterisville, Ivanhoe, (VHR H1140), and founder of the Bank of Australasia in Melbourne, Joseph Hawdon, resident of Banyule, and one of the first to overland cattle from New South Wales to Port Phillip, (VHR H0926), and Dr. Robert Martin, a wealthy pastoralist who resided at Viewbank, near Rosanna (VHR H1396).*

*The first church service was held in the shell of the unfinished building in April 1851. At this stage, the internal walls were still unlined, externally unpainted and unrendered. The roof to the west end section of the church was also incomplete at this stage, so a tarpaulin was used to shelter the congregation from the wind and the weather.*

*The completed building was officially opened in October 1851. Within a few years, the building had serious structural and deterioration issues, with architects Purchas and Swyer engaged to complete the repairs. The original timber shingle roof was built without stays or cross beams, and the ceiling was unlined, leading to movement and water ingress shortly after the building's completion. Purchas and Swyer were responsible for the rebuilding of the roof, including new supporting beams, reconstruction of the tops of the brick walls, and lime rendering of the external walls. The shingle roof cladding was replaced with slates. The Conservation Management Plan suggests that the grounds were laid out in this period by architect Charles Swyer, including the extant mature Bhutan Cypress in the car park as well as several significant Algerian Oak, Italian Cypress, Himalayan Cedar, and Pin Oaks located along the western boundary.*

## Reasons for the amendment application

### Additional land

The Executive Director recommended that the Heritage Council amend the registration for the Place having formed the view that:

- 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 [s.40(3A)(c)(i) of the Act].
- The additional land surrounds the Place and is important to the protection or conservation of the Place; or contributes to the understanding of the Place [s.40(3A)(c)(ii) of the Act].

### The Executive Director noted that:

- The current extent is limited to the fabric of the building, and is insufficient to protect, conserve and allow for a proper understanding of the Place.
- The current extent does not include the land that formed the original grant given to the Anglican church.
- The land proposed for inclusion both is currently and has been used in conjunction with the Place since land was reserved for the Episcopalian Church in the 1839 Plan of the Village of Warringal (Heidelberg).

### Assessment and summary under section 40(4)(c)(ii) of the Act

- If any of the additional land proposed for inclusion in the register were developed, depending upon the nature of the proposal, there is potential for the development to impact upon the Place and substantially reduce its State-level cultural heritage significance.
- In the context of other church buildings with registered land in the Heritage Register, this is an outlier because the current extent of registration does not cover the church grounds.
- The proposed inclusion of additional land, particularly around the currently registered church will enable works that could potentially impact on its conservation, such as drainage, landscaping and paving, to be managed under a heritage approvals process.
- The proposed inclusion of additional land will ensure that the church grounds, including the mature Bhutan Cypress, will be subject to a heritage approvals process to manage change.

### Heritage Council's findings

The Heritage Council's statutory remit is confined by the Act. When a place or object is included in the Heritage Register, the description, history, Statement of Significance and permit policy do not form components of the Heritage Register.

The Heritage Council notes that the Executive Director may make non-statutory amendments as set out in the Recommendation. The Heritage Council's decision in relation to the place is confined to the extent of registration and permit exemptions.

The findings of the Heritage Council generally accord with the Recommendation. The Heritage Council asked questions of clarification of the Executive Director at Heritage Council meeting HC294. Some typographical errors were noted by the Heritage Council at meeting HC294, and suggestions for corrections within the history and Statement of Significance sections of the registration were put to the Executive Director by the Heritage Council. The Executive Director noted the feedback and agreed to some changes to the history and Statement of Significance sections. The Heritage Council queried whether discussions with the Parish had occurred prior to the making of the Recommendation, to which the Executive Director confirmed that consultation with the church community had taken place prior to the Recommendation being made to the Heritage Council.

### Additional Land

The extent of registration is provided as **Attachment 1** and includes all of the Place shown hatched on Diagram 197 encompassing all of Crown Allotment 15 Section 9 Township of Heidelberg, Crown Allotment 16 Section 9 Township of Heidelberg, Crown Allotment 17 Section 9 Township of Heidelberg, and Crown Allotment 18 Section 9 Township of Heidelberg, Parish of Keelbundora.

### Permit exemptions

The Heritage Council determined specific permit exemptions that would not harm the cultural heritage significance of the place. The permit exemptions are provided as **Attachment 2** to this determination.

### Conclusion

The Heritage Council determined, pursuant to Part 3 and Part 5 of the *Heritage Act 2017*, that the registration for St John's Anglican Church is to be amended in the Heritage Register.

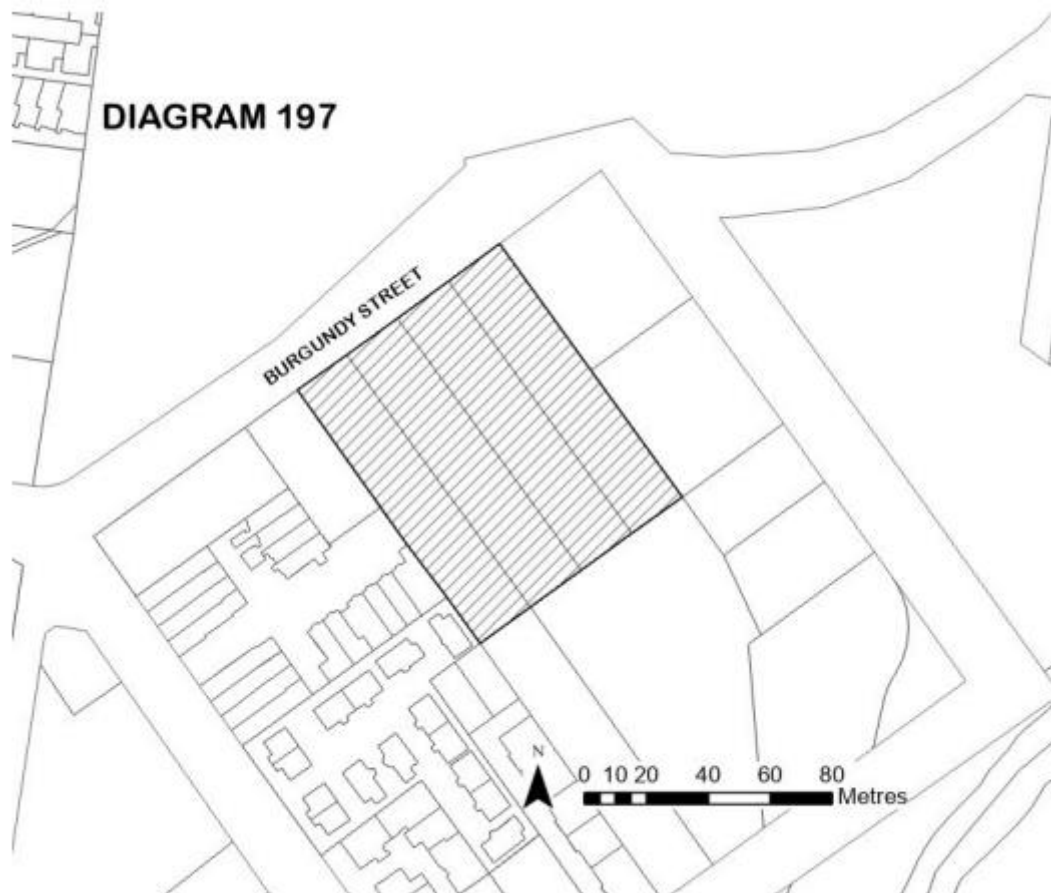


**Professor Philip Goad**  
**Chair, Heritage Council of Victoria**

# Attachment 1

## Extent of Registration

All of the place shown hatched in Diagram 197 encompassing all of Crown Allotment 15 Section 9 Township of Heidelberg, Crown Allotment 16 Section 9 Township of Heidelberg, Crown Allotment 17 Section 9 Township of Heidelberg, and Crown Allotment 18 Section 9 Township of Heidelberg, Parish of Keelbundora.



# Attachment 2

## 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 the 2023 *St John's Anglican Church, Heidelberg: Conservation Analysis* prepared by Landmark Heritage Pty Ltd 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 don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

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 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 St John's Anglican Church, 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**

1. All internal works to and demolition of the freestanding ca.1960 brick buildings to the north of the church.
2. All works to the portion of the tennis court in the northern corner of the registered extent that allow the courts to retain their function.