

Heritage Impact Statement

Athenaeum Theatre
30-34 Ocean Beach Road, Sorrento

Permit Application - Demolition of Internal Stairs
November 2024

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1.0 Introduction

The following heritage impact statement was prepared on behalf of the owners of the Athenaeum Theatre, 30-34 Ocean Beach Road, Sorrento (VHR H2227). It concerns the proposal for demolition of an internal staircase.

This report comments on whether the proposed works are acceptable in terms of their impact upon the significance of the registered place.

2.0 Methodology

This heritage impact statement has been prepared with regard to the *Burra Charter* and its guidelines, as amended in 2013, and in general accordance with *Heritage Victoria Guidelines for Preparing Heritage Impact Statements* (Made and published under s19(1)(f) of the Heritage Act 2017 in June 2021).

3.0 Sources of Information

An inspection of the exteriors and interiors of the registered building has been undertaken, along with a review of the relevant Victorian Heritage Register documentation. Reference is also made to the following documents and historical sources:

- *Heritage Victoria Policy: Reasonable or economic use - Relevant matters for the consideration of section 101(2)(b) of the Heritage Act 2017*
- *Principles for considering change to places in the Victorian Heritage Register Made and published under s19(1)(f) of the Heritage Act 2017, December 2022*
- *Mornington Peninsula Heritage Review: Area 3* (Heritage Alliance, Revised February 2022)
- *Shire of Flinders Heritage Study Significant Sites and Areas* (Context Pty Ltd, Dr Carlotta Kellaway & Helen Lardner, 1992)
- Health Department Public Building files (Public Record Office Victoria)
- *Australasian Builder and Contractor's News*
- State Library of Victoria Picture Collection
- Heritage overlay provisions, as set out under Clause 43.01 and Heritage at Clause 15.03 of the Mornington Peninsula Planning Scheme

4.0 History

The Athenaeum Theatre was constructed in 1894 for Isaac Bensilum, a local councillor, hotelier and entrepreneur.¹ The architect was J F Gibbons. Illustrations of the Athenaeum were published in the *Australasian Builder and Contractor News* of March 1894, showing a double-storey stone building with ground floor shopfronts sheltered by a cast iron verandah.² Internally, the main auditorium had pilasters to the side walls and domed ceiling. The 1894 article described Kauri (pine) floors for dancing, a deep stage with dressing and store rooms beneath and a fully plastered foyer with retiring rooms to one side. There were also two shop spaces on the ground floor and residential space above. As shown on an 1895 floor plan, the hall was accessed via an entry lobby to the west side of the shops.³ The hall measured 59 ft 6 inches x 37 ft 4 inches with a 27 ft deep stage, under which were two dressing rooms.

The Athenaeum was a multi-purpose venue, used for community and church meetings, wedding receptions, dances, lectures and roller-skating. It was purchased by the MacFarlan family around 1907.⁴ David MacFarlan reputedly began operating a cinema at the Athenaeum from c1918 when a bio-box was installed for projecting silent movies.⁵

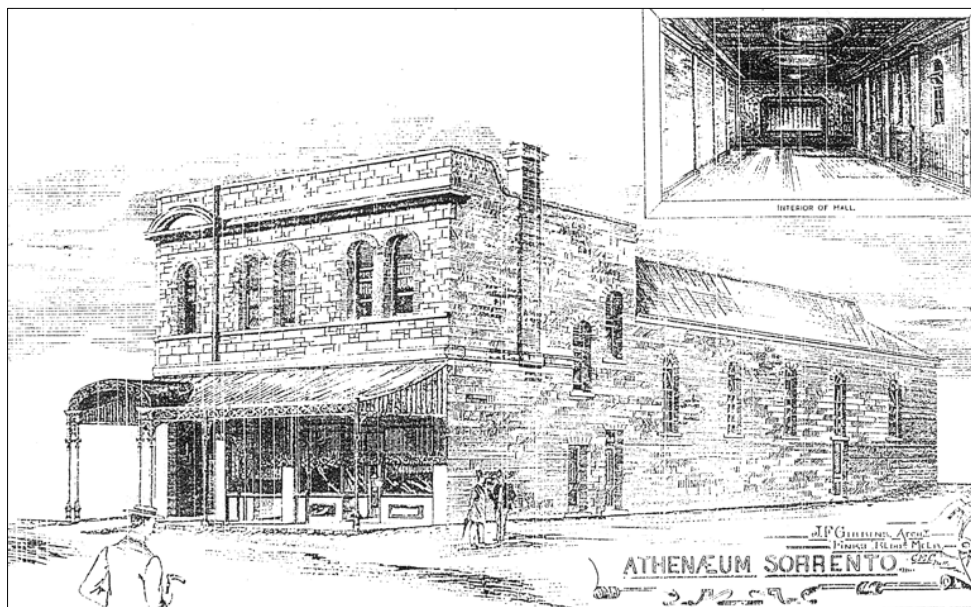


Figure 1 1894 illustration of the Athenaeum Theatre. Source: *Australasian Builder & Contractor's News*

¹ *Victorian Heritage Register*, citation for the Athenaeum Theatre.

² *Australasian Builder and Contractor News*, 10 March 1894, p.117.

³ Public Building File No. 1436, Public Record Office Victoria VPRS 7882/P0001.

⁴ *Sporting Globe*, 13 January 1932, p.6.

⁵ *Shire of Flinders Heritage Study*

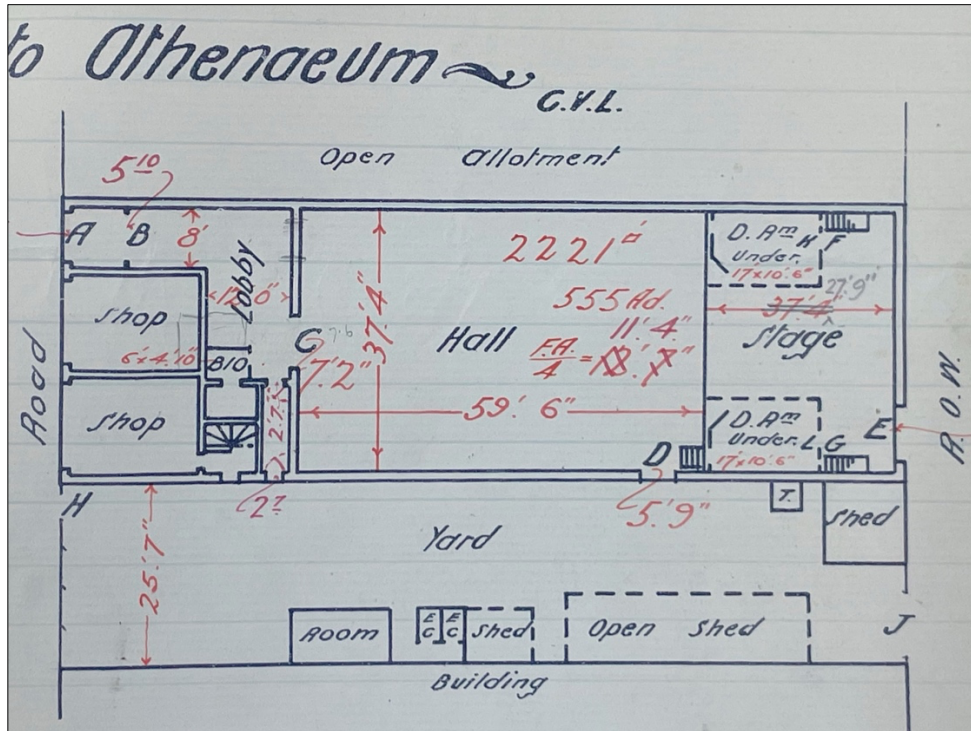


Figure 2 An 1895 floor plan of the Athenaeum Theatre. Source: Public Record Office Victoria.



Figure 3 Undated photograph of the Athenaeum Theatre (c1900-1920s). Note the original verandah visible in figure 1 has been removed. Source: Sorrento Historical Society.

In November 1925 it was reported that 'extensive alterations' to the Athenaeum were to shortly commence. The whole of the interior was to be renovated at a cost of over £1000.⁶ The works undertaken at this time are thought to have included removal of the proscenium wall and a reduction in the depth of the stage to allow for increased seating capacity.⁷ The bio-box was rebuilt in 1931, necessitating the relocation of the main auditorium entrance further west.⁸ The shopfronts had been rebuilt by this time with a cantilevered awning in place of the original cast iron verandah.



Figure 4 *Athenaeum Theatre, undated photograph, c1920-30. The entrance to the auditorium was to the far left. The shopfronts have been rebuilt by this time with a central entrance. Source: Sorrento Historical Society.*

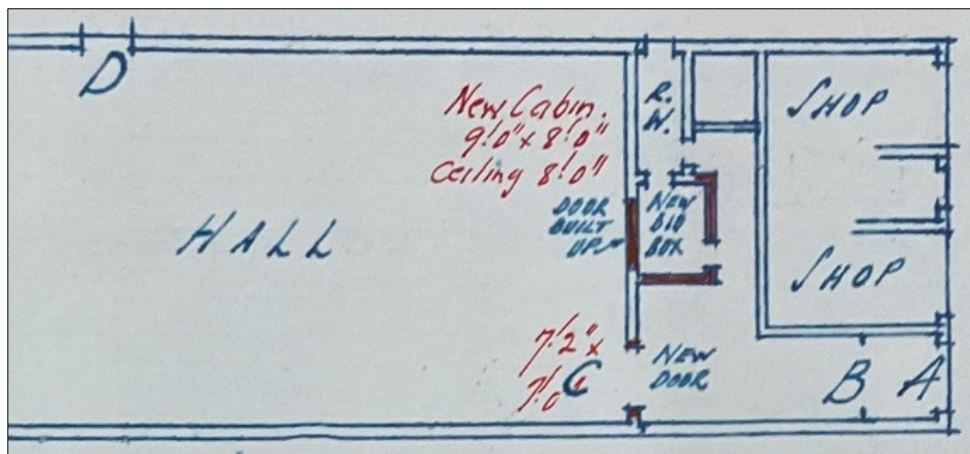


Figure 5 *1931 floor plan showing new bio-box. Note that the shopfronts have been modified to create a central entrance. Source: Public Record Office Victoria.*

⁶ *Everyones*, 4 November 1925, p. 47.

⁷ *Victorian Heritage Register*, citation for Athenaeum Theatre.

⁸ Public Building File No. 1436, Public Record Office Victoria VPRS 7882/P0001.

Ownership of the Athenaeum passed to the Kirby family c1949.⁹ The new proprietor George Kirby engaged specialist cinema architects Cowper Murphy and Associates to design alterations to the Athenaeum. As shown on plans dated 22 August 1950, the existing shops were converted into the cinema foyer and the old entry lobby become the ladies' toilets.¹⁰ The original auditorium entrance was infilled with a shopfront window and the doors relocated to the new foyer entry. A new ticket box was installed in the foyer with the wall to its west side demolished to create an opening for access the cinema. The floor to the main auditorium was rebuilt with a gradual slope, replacing the original flat floor. A planned upper level gallery was not constructed. Concurrent with the upgrade of the cinema, a double storey shop was built for George Kirby on the land to the east side of the Athenaeum, also to designs by Cowper Murphy and Associates.

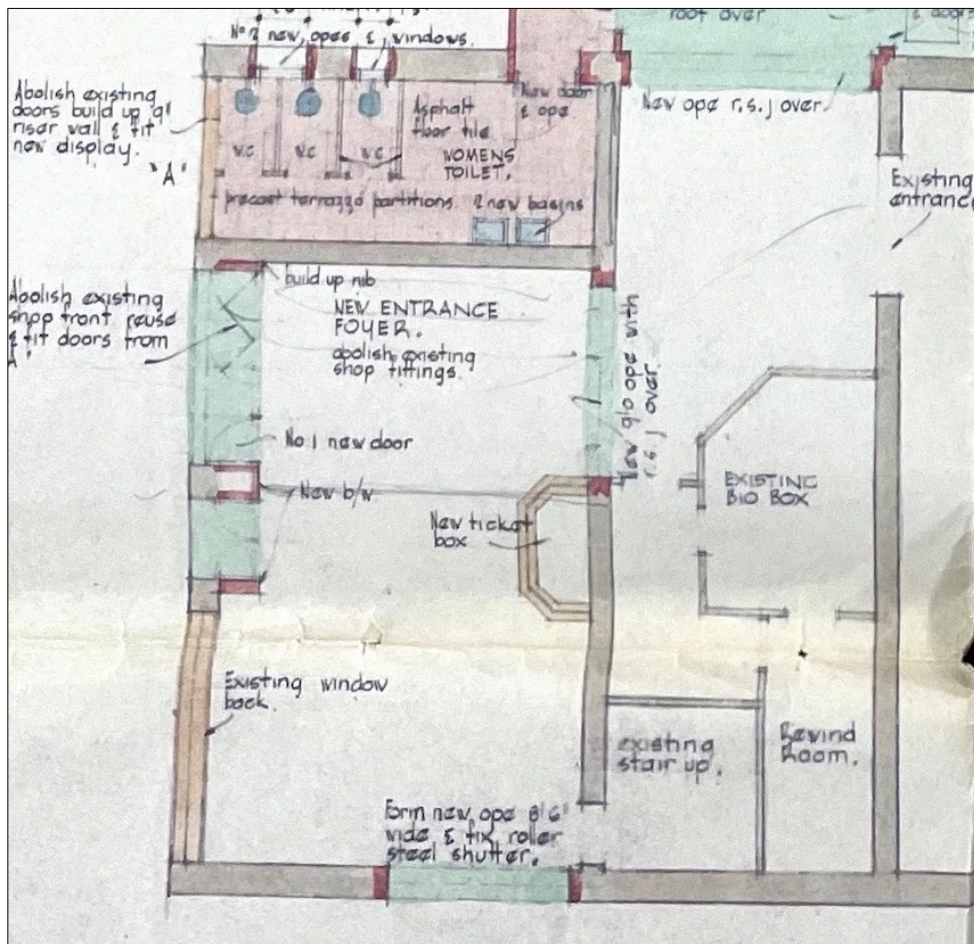


Figure 6 1950 floor plan showing the two original shops replaced by a new foyer, and original entrance converted into women's toilets. Source: Public Record Office Victoria.

⁹ Victorian Heritage Register, citation for Athenaeum Theatre.

¹⁰ Public Building File No. 1436, Public Record Office Victoria VPRS 7882/P0001.

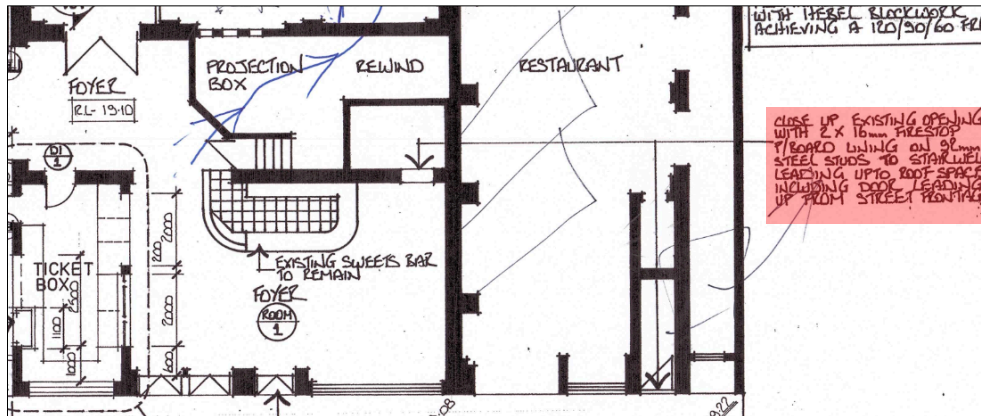


Figure 7 Extract from the 1996 architectural drawings for the cinema refurbishment. Note the intent to close up the door opening to the original stairs with fire rated plasterboard.

The Athenaeum was extensively refurbished in 1995-1996, including a complete refit of seats, repainting, new lighting and the installation of air conditioning. The women's toilets dating to the c1950 works were replaced by a ticket box.¹¹ The façade appears to have remained unaltered at this time apart from repainting. The Athenaeum was sold in 2022 and the final film screening at the took place in May 2023.

5.0 Description

The Atheneum has recently been refurbished for retail use under a permit issued by Heritage Victoria in July 2023 (P36960). The works involved partial demolition of internal walls and stripping out of modern fabric. A flat floor was reinstated in the main auditorium and its decorative nineteenth century ceiling and interwar plasterwork was restored and repainted a neutral white colour (covering the garish 1990s colour scheme). The shopfront was sympathetically remodelled with existing Art Deco style doors retained internally as an interpretative feature. The first floor façade was comprehensively restored with the limestone walls and face brick quoins stripped of paint, and repointed. Render and joinery was repaired and repainted in an historically appropriate colour scheme. In accordance with condition 4 of Permit P36960, the original stairs to the first floor shopkeeper's first floor residence were retained. They are of timber construction with standard late-Victorian details including turned timber balusters and newel post and a moulded timber handrail. The stairs have enclosed in a stud wall to prevent access (noting that they are non-compliant and unsafe for use) and are not visible at any point within the building. Nor were the stairs on display prior to the recent works – they were for cinema staff use only and the stair entrance was partitioned off from the foyer.

¹¹ Village Roadshow Theatres Project Development Division. 'Sorrento Cinema at 20-36 Ocean Beach Road' Drawings A-101, 401, dated 3/7/96 & 18/7/96.



Figure 8 The Athenaeum façade prior to the restoration works, 2022.



Figure 9 Recent photograph of the restored façade.



Figure 10 The foyer and main entrance, 2022.



Figure 11 Recent photograph of the foyer showing the new entrance with Art Deco style doors reinstated to the interior of the shopfront as interpretative features.



Figure 12 View from the cinema foyer looking east, 2022.



Figure 13 Current photograph of the foyer showing the stairs enclosed in a stud wall.



Figure 14 *The main auditorium, 2022.*



Figure 15 *The restored auditorium with a reinstated flat floor and decorative plaster.*



Figure 16 The south wall of the main auditorium showing bio box apertures, 2022.



Figure 17 The south wall of the restored auditorium with retained bio-box apertures. The stair enclosure is visible to the far left.



Figure 18 *The decorative plaster ceiling in the main auditorium with c1990s colour scheme, 2022.*



Figure 19 *Detail of the restored ceiling and plasterwork.*



Figure 20 (left) The stairs to the first floor, viewed from the ground floor entrance, 2022.



Figure 21 (right) The stairs viewed from first floor landing, 2022.



Figure 22 View from the second flight of stairs, 2022.

6.0 Heritage Listings

Heritage Victoria

The Athenaeum Theatre is included on the Victorian Heritage Register (Registration No H2227). The extent of registration is defined thus:

1. All of the building marked B1 on Diagram 2227 held by the Executive Director.
2. All of the land marked L1 on Diagram 2227 held by the Executive Director being the footprint of the building and being part of the land described in Certificate of Title Volume 10318 Folio 993.

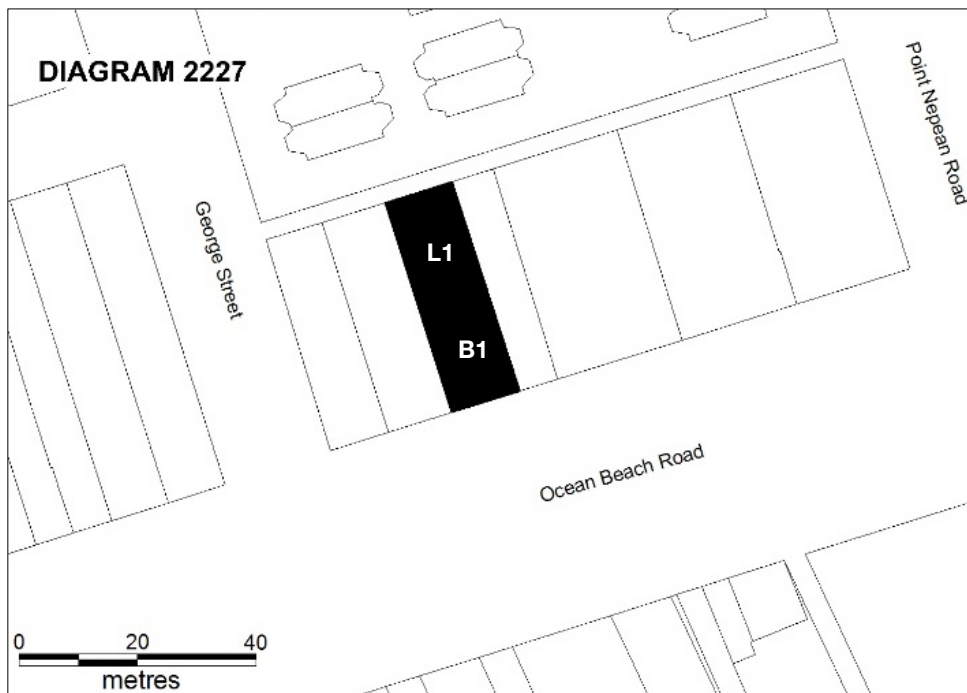


Figure 23 Extent of registration for the Athenaeum Theatre.

Mornington Peninsula Shire

The Athenaeum Theatre is included on the Schedule to the Heritage Overlay under the Mornington Peninsula Planning Scheme (HO408). It is nonetheless recognised that the Responsible Authority regarding heritage matters within the extent of registration is Heritage Victoria, and the Mornington Peninsula Shire will have a role as a referral body. Most of the surrounding streetscape to Ocean Beach Road is subject to HO501 - *Sorrento Commercial Precinct* - except for the properties either side of the Athenaeum Theatre at nos. 28 and 36 Ocean Beach Road.



Figure 24 Heritage Overlay map showing the extent of the Sorrento Commercial Precinct (HO501) within the environs of the Athenaeum Theatre.

National Trust of Australia (Vic)

The Athenaeum Theatre is classified by the National Trust of Australia (Victoria) as a place of state significance (File No. B6735). The National Trust has no statutory planning powers although it might play an advisory role with regard to any proposed works to registered sites.

7.0 Significance

As noted above, the Athenaeum Theatre is place H2227 on the Victorian Heritage Register, and is generally recognised as being of State significance. The Statement of Significance for the site provides a detailed appreciation of the significance of the place, and this is provided in full below:

What is significant?

The Athenaeum theatre was built in 1894 in the commercial centre of the seaside town of Sorrento, which became a popular destination in the 1880s. Designed by Melbourne architect, J. F. Gibbins, the multi-purpose theatrical venue was built for Isaac Bensilum, local councillor, hotelier and entrepreneur. The building comprised an auditorium, a foyer, retiring rooms, a deep stage with dressing and store rooms beneath, and two shops with residences above. Originally used for various forms of entertainment, silent films were shown in the auditorium in the 1920s from a newly installed bio-box and by 1932 talking pictures were shown. This coincided with Moderne alterations made to the building and the introduction of new equipment.

The Athenaeum is a two storey building constructed from rough hewn local limestone with brick dressings. The front elevation is a simply detailed Italianate facade, with a heavy cornice which runs across the facade below the parapet. This incorporates a segmental arch detail placed at one extreme end with a raised decorative scroll on the parapet above. The grouping of first floor windows is also irregular, and the resulting front facade is therefore unusually asymmetrical in appearance.

The interior of the building displays both original and later Moderne detailing. The decorative auditorium features a large cornice, simple pilasters and three deep plaster domes which are set into a ceiling of panelled, floral plasterwork. Similar plasterwork also lines the proscenium wall. These features date from the original construction. Moderne styled plasterwork has been added between the pilasters of the side walls. The foyer entrance contains a bank of Moderne doors, with a frosted glass strip above incorporating the word 'Athenaeum'.

Various alterations have been made to the building since the 1930s, however the original 1894 building form remains largely intact. Extensive renovations to the building in the mid-1990s included repainting, the installation of new fittings, including lights in the Moderne style, the insertion of a wide screen in front of the early proscenium, the curtaining of the auditorium walls and the addition of two new cinemas in an adjoining building. The building has been used as a permanent cinema for many years.

How is it significant?

The Athenaeum Theatre, Sorrento is of architectural and historical significance to the State of Victoria.

Why is it significant?

The Athenaeum Theatre, Sorrento is of architectural significance as an early example of a theatre in regional Victoria. It is important for its largely intact original ornate interior and its Moderne remodelling which reflects its new use as a cinema venue in the 1930s.

The Athenaeum Theatre, Sorrento is of historical significance for its associations with the late nineteenth and early twentieth century development of one of Victoria's premier seaside resorts. The building's multi-purpose, entertainment function reflects the early, and continuing, holiday character of this seaside town.

8.0 Proposal

The proposal is for the demolition of the internal stairs that originally provided access to a first floor shopkeeper's residence [the ground floor frontage of the Athenaeum originally having been divided into two shops]. Demolition is sought on the basis that the stairs are a major impediment in securing a tenant for the refurbished ground floor retail space. The stairs are also non-compliant and not considered safe for use.

9.0 Heritage Impacts

Applications for works to places on the Victorian Heritage Register are considered within the broad ambit of considerations under the *Heritage Act 2017*, which seek to conserve the significance of place, whilst also support their sustainability and taking into account economic impacts. Inter alia, the *Heritage Act* provides the following directions regarding the matters to be considered in the determination of permit applications:

101 Determination of permit applications

(1) After considering an application the Executive Director may—

(a) approve the application and—

- (i) issue the permit for the proposed works or activities; or*
- (ii) issue the permit for some of the proposed works or activities specified in the application; or*

(b) refuse the application.

(2) In determining whether to approve an application for a permit, the Executive Director must consider the following—

(a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;

(b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;

(c) any submissions made under section 95 or 100;

[...]

(f) any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.

(3) In determining whether to approve an application for a permit, the Executive Director may consider—

(a) the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is—

- (i) included in the Heritage Register; or*
- (ii) subject to a heritage requirement or control in the relevant planning scheme; or*

(b) any other relevant matter.

With reference to item (2)(a) of the above, the application for demolition of the stairs would not have an unacceptable impact on the significance of the registered place. Refusal of the application would adversely affect the place's economic use.

Consideration may also be given to Heritage Victoria's principles for changes to heritage places. It states that Heritage Victoria is generally supportive of change to places provided that the impacts on the cultural heritage significance are limited and appropriate, and/or the reasonable or economic use rationales outweighs the impacts on its cultural heritage significance. In the present case the impacts on cultural heritage significance are limited and there is a strong reasonable or economic use consideration – being that potential to remove the stairs has become critical to the viability of the adaptive reuse of the place.

It is acknowledged that the 2023 permit was conditional on the retention of the stairs, and that Heritage Victoria had adopted a position that the stairs contribute to an understanding of the original configuration of the place with shops and residence above.

This notwithstanding, the original configuration of the place is not readily understood on account of the extensive changes undertaken in the post war period when the shopfronts and associated internal walls were entirely removed and the space amalgamated to create a single cinema foyer. As such, the stairs do not demonstrate any purpose that is unique to the Athenaeum, other than in the most generic sense of providing access between the ground and first floors.

Furthermore, the stairs do not demonstrate aspects of historical or architectural significance that are the basis of the place's inclusion on the Victorian Heritage Register, as follows:

The Athenaeum Theatre, Sorrento is of architectural significance as an early example of a theatre in regional Victoria. It is important for its largely intact original ornate interior and its Moderne remodelling which reflects its new use as a cinema venue in the 1930s.

The Athenaeum Theatre, Sorrento is of historical significance for its associations with the late nineteenth and early twentieth century development of one of Victoria's premier seaside resorts. The building's multi-purpose, entertainment function reflects the early, and continuing, holiday character of this seaside town.

The stairs are entirely unrelated to the original use of the place as a regional theatre and are not demonstrative of any of the other entertainment functions provided to holiday makers, most notably the cinema. Nor do the stairs form part of the largely intact original ornate interior with Moderne remodelling described in the statement of significance – this evidently only concerns the main auditorium. The generic detailing of the stairs in no way speaks to the role of Sorrento as a premier seaside resort.

It is also the case that the stairs are non-compliant and considered unsafe for access/egress requirements. If retained, the stairs would need to be permanently closed off to the public, as well as building users/tenants. The stairs cannot be made compliant without substantial modification that would effectively nullify the limited heritage benefits of retention. The previous permit effectively allowed for separation of the uses of the ground and first floors, and the stair was never intended to be used due to its poor condition and compliance issues.

The impacts of refusal are addressed in further detail in the reasonable or economic report prepared by Rodger Gibbons, urban economist and planner. It draws the following conclusions:

- The critical issue is the lease-ability of the floorspace which is compromised by the presence of the stairway blocking views into the premises from the frontage.
- The owner has been unsuccessful in leasing the premises for a large format retail business. Feedback from potential retailers has conveyed concerns with the retained stairway based on security issues and the restriction imposed on retail planning for the space. While the potential tenants have expressed enthusiasm for the conservation works that have been undertaken, particularly on the restoration of the heritage ceiling, the stairway remains a point of contention.

- A literature review has been undertaken on the topic of the importance of the retail frontage and retail design. It is confirmed that the obstruction of view lines caused by the retained stairway poses a major constraint on effective retail space planning.
- Financial analysis undertaken for the previous application demonstrated that the internal Rate of Return (IRR) on the project - with the stairs retained - was only 1.67%, which is financially unviable. The IRR with the stairs removed was 9.1%, placing the scheme of the cusp of financial viability.
- The financial model has been re-run with the updated cost estimate factoring in the high cost of restoring the building. This points to a further reduction in the IRR to 7.24%. This is indicative of the risk associated with undertaking the development. It is therefore critical that a solid long-term tenant is found at a rent rate at least equivalent to that used in the modelling.

The reasonable or economic report also explores alternative options to removal of the stairs - including removal of surrounding walls to increase visual permeability - but none were found to be feasible.

Heritage Victoria have advised that the property would need to be on the market for a longer period before consideration of any new proposal. It is noted that owner has been actively searching for a suitable tenant for the past 3 years.



Figure 25 View from the foyer showing the sightlines to the auditorium partially closed off by the stair enclosure.

The limited impacts of demolition of the stairs can be mitigated by interpretation, which could potentially involve mapping out the stair plan/configuration on the floor, wall and ceiling. A broadly similar method of interpretation was implemented as part of the redevelopment of Myer Emporium building, whereby a small section of the original main staircase was included in a display, along with other architectural artefacts. An appropriate scheme for the interpretation of the Athenaeum's stair will be devised in consultation with Heritage Victoria. On-site interpretation could be augmented by a 3D point cloud survey of the stair, providing a highly detailed record prior to its removal.

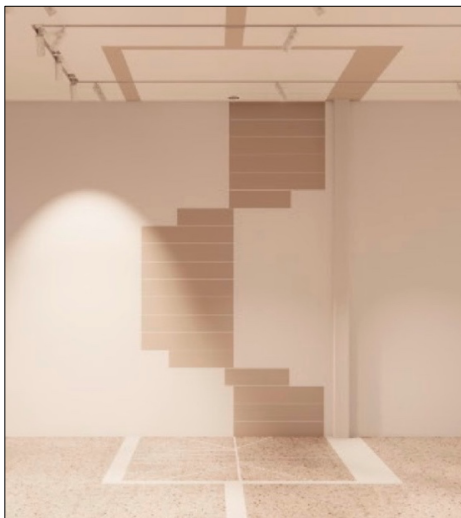


Figure 26 (left) *Indicative image of how the Athenaeum stairs could be interpreted.*



Figure 27 (right) *The interpretation display in the former Myer Emporium with a remnant of original main staircase.*

10.0 Conclusion

In summary, the proposal for demolition of the stairs at the Athenaeum Theatre, Sorrento is acceptable having regard for the limited significance of the stairs, non-compliance issues and impacts that refusal of the application will have on the reasonable or economic use of the registered place. These impacts are apparent in the inability of the building owner to thus far secure a tenant.

The owner has already made a considerable financial investment in the building in implementing a comprehensive program of restoration works. These works have enhanced and revealed significant external and internal fabric. The stairs are not of the same order of significance - they are not demonstrative of the place's architectural and historical significance as described in the registration documentation. As such, the demolition of the stairs will have very limited heritage impact. Having regard for the above, the proposal has been developed with due consideration for the provisions of the *Heritage Act*.