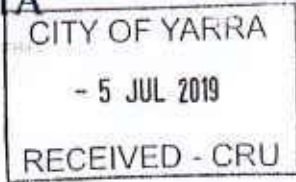




ST VINCENT'S HEALTH AUSTRALIA

UNDER THE AUSPICES OF THE MOST ANTIQUARIAN SOCIETY



St Vincent's Health Australia Ltd

ABN 75 073 503 536

Melbourne Group Office

5/340 Albert Street

East Melbourne Vic 3002

Telephone 03 9231 1706

www.svha.org.au

Ms Vijaya Vaidyanath
Chief Executive Officer
City of Yarra
PO Box 168
Richmond Vic 3121

Re: Proposed discontinuance and sale of the roadway between 5 & 7 Brunswick Street.

Dear Vijaya

On behalf of St Vincent's Health Australia (SVHA) we make our submission in support of the proposed discontinuance and sale of the road between 5&7 Brunswick Street Fitzroy to SVHA.

The acquisition of the road will complete the property requirements for the expansion of St Vincent's Private Hospital Fitzroy onto the surrounding properties owned by SVHA. The detailed design and footprint of this expansion and its impact on the surrounding properties has been reviewed and assessed through a rigorous and comprehensive consultation process with subsequent Planning and Heritage Permit approvals received from City of Yarra, VCAT & Heritage Victoria.

An Integral part of this project is the relevance of the gardens and land bounded by the road to the Sisters of St Josephs of the Sacred Heart. SVHA has been the custodian of these gardens for ten years as the lessor of the land and more recently the owner. As a Catholic organization we see it as a privilege to care for these gardens and are keen to enhance public access to the site through the planned development. The proposed development has strong support from both the Catholic Archdiocese of Melbourne and the Sisters who support the expansion of the hospital as furthering the mission of caring for the sick and vulnerable. The design of the expanded hospital integrates and enhances the memorial garden that commemorates the birth place of Mary MacKillop the cofounder of the Sisters of St Joseph of the Sacred Heart and Australia's first Saint. The purpose of the garden is to provide a reflective space for the public, patients and staff and a visual reminder of the history of St Mary MacKillop and the sisters, and their dedicated work with the poor, the needy and the sick.

The road and its significance to the site has also been considered and has been articulated in the proposed landscape drawing for the space (refer attachment).

In consideration of the above we seek Councils support in favour for the discontinuance and sale of the roadway.

Yours Sincerely,



Director of Strategic Development and Infrastructure
St Vincent's Health Australia.

Sub
1

1 PAGE

190709-000089



Sisters of Saint Joseph
of the Sacred Heart

13 September 2018

Mr Kevin Dalton
Director of Strategic Development & Infrastructure
St Vincent's Private Hospital Fitzroy
59-61 Victoria Parade
FITZROY VIC 3065



190709 - 000089
3 PAGES

Dear Kevin,

Re: St Mary of the Cross Birthplace & Memorial Garden

I write to you as Congregational Leader of the Sisters of St Josephs of the Sacred Heart in support of the proposed development of St Vincent's Private Hospital Fitzroy. I understand that this correspondence will be forwarded to other relevant parties involved in the approval of this development, and that this letter may be made public.

As you are aware, Mary MacKillop was co-founder of the Sisters of St Joseph of the Sacred Heart and in 2010 was canonised as Australia's first Saint of the universal church. She was born at Marino Cottage on the site of 7 Brunswick St, Fitzroy and lived there for the first three months of her life. We have marked the site of her birthplace with a bronze bust of Mary and a plaque designating the birth site. The land on which her home stood is now encapsulated in the St Mary of the Cross Memorial Garden. The land on which the Memorial Garden is situated is owned by St Vincent's Health Australia.

The purpose of the garden area is to provide the public with a quiet and sacred place for prayer and reflection. The Memorial Garden is designed to provide a visible reminder of Mary's birthplace and her dedicated work for the poor, the needy & the sick in early Melbourne. The Garden is an integral part of regular Mary MacKillop Walking Tours of Fitzroy which include visiting the birthplace, the Chapel and St Mary of the Cross square in the grounds of Australian Catholic University and most importantly, the Mary MacKillop Heritage Centre located in Albert Street, East Melbourne. It is here where pilgrims and visitors are able to learn about Mary's life and her work across the country.

We are grateful that the St Mary of the Cross Birthplace and Memorial Garden are now in the custody of St Vincent's Health Australia. The long-term public access, preservation and maintenance of the garden are protected through the registration of a two hundred year lease over the Memorial Garden (in favour of the Roman Catholic Trusts Corporation for the Archdiocese of Melbourne), and a Covenant on the Title of the property ensuring public access to the Birthplace & Memorial Garden.

PO Box 1508, NSW 2059 9 Mount Street, North Sydney NSW 2060

P: +61 2 9929 7344 F: +61 2 8912 4833 E: enquirles@sosj.org.au W: www.sosj.org.au

Trustees of the Sisters of Saint Joseph - Incorporated In New South Wales, the liability of the members is limited

ABRN: 162 276 422 Member of the Catholic Church Religious Group

We have reviewed the plans of the proposed development of St Vincent's Private Hospital Fitzroy on a number of occasions and believe that it does not detract from the purpose of the St Mary of the Cross Birthplace & Memorial Garden. On the contrary, it is comforting to think that patients, often the modern-day equivalent of the sick & needy of Mary's time, may be able to look down on Mary's Birthplace or wander into the Memorial Garden for some quiet prayer and reflection during their time of need and stay in the hospital. We are certain St Mary of the Cross would be pleased to see the further development of St Vincent's Private Hospital in the proposed location.

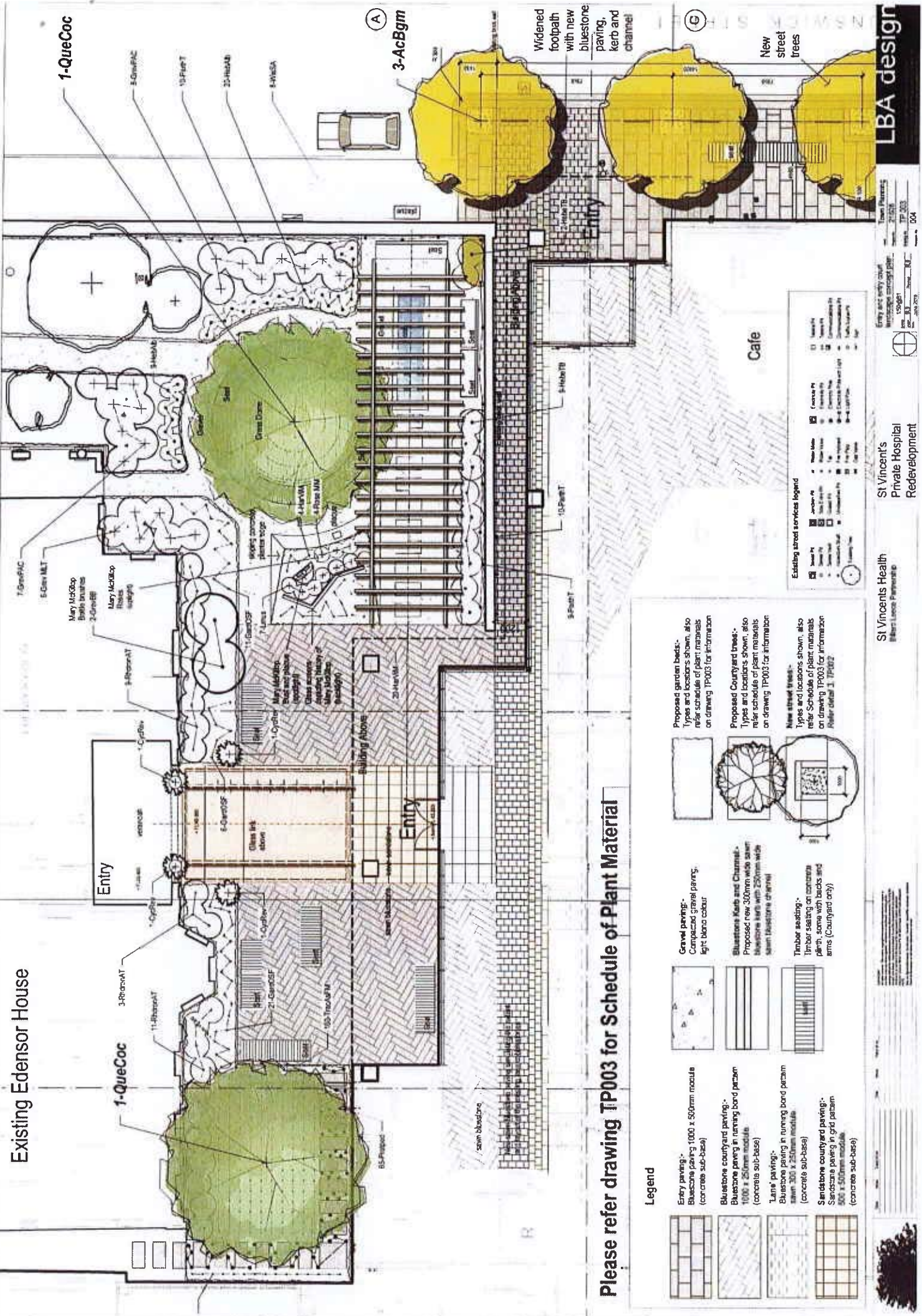
In conclusion, the Sisters of St Joseph of the Sacred Heart as custodians of the history of St Mary of the Cross are supportive of the development of the St Vincent's Private Hospital Fitzroy as per the plans that have been presented to us. The development will provide improved public access to the Memorial Garden and Birthplace and are confident the legal agreements that are in place for the site ensure that this will continue.

Yours sincerely,

A large black rectangular redaction box covering the signature of the Congregational Leader.

Congregational Leader

Existing Edensor House



Please refer drawing TP003 for Schedule of Plant Material

Legend

- Entry paving:**
Bluestone paving 1000 x 500mm module (concrete sub-base)
- Bluestone courtyard paving:**
Bluestone paving in running bond pattern 1000 x 250mm module (concrete sub-base)
- Lane paving:**
Bluestone paving in running bond pattern 300 x 250mm module (concrete sub-base)
- Sandstone courtyard paving:**
Sandstone paving in grid pattern 400 x 400mm module (concrete sub-base)

- Gravel paving:**
Compacted gravel paving light bone colour
- Bluestone Kerb and Channel:**
Proposed new 300mm wide sawn bluestone kerb with 250mm wide sawn bluestone channel
- Timber seating:**
Timber seating on concrete plinth, some with backs and arms (Courtyard only)

- Proposed garden beds:**
Types and locations shown, also refer schedule of plant materials on drawing TP003 for information
- Proposed Courtyard trees:**
Types and locations shown, also refer schedule of plant materials on drawing TP003 for information
- New street trees:**
Types and locations shown, also refer Schedule of plant materials on drawing TP003 for information
Refer detail 1, TP002

Existing street services legend

1	Water	2	Electricity
3	Gas	4	Telecom
5	Stormwater	6	Other

Entry and entry court
 Entry and entry court
 1:5000
 Date: 15/06/21
 Scale: 1:500
 Sheet: 10 of 10
 Project: 2019-2020

SUBMISSION IN RESPONSE TO YARRA CITY COUNCIL PUBLIC NOTICE

DISCONTINUANCE OF THE ROAD BETWEEN 5 AND 7 BRUNSWICK STREET

In responding to the Yarra City Council Public Notice published in the *Age* of 26 June 2019 inviting submissions under section 223 the *Local Government Act*, we wish to make the following points.

1. The advertised notice referred only to Council not discontinuing, discontinuing and then selling the land to an adjoining owner or transferring the road to itself.
The notice did not provide the additional advice of a **third option** under Schedule 10 Clause 3, in the Act, which gives Council the option of selling a **part** of a road.
2. We submit that the notice was misleading and should be re-advertised to give submitters correct information as to the legal requirements of the Act.
3. The historic 1840 public laneway should not be lost to private interests as was determined in the VCAT Order 1 May 2018 , PLN16/0925, which required a portion to remain publicly available for access.
4. The importance of the public having access to the garden of the birthplace of St. Mary McKillop **must** be recognised. Availability to those who feel a spiritual connection to that site should not be restricted. The hospital must not be permitted to deny access to the lane site as it has illegally done in the past. A gate at the western end of the laneway, into the garden would prohibit after hours access.
5. We therefore submit that if Council determines to sell this heritage laneway the sale should exclude the 1.2 metres width VCAT ordered remain in public ownership.

[REDACTED]
Napier Street

Fitzroy 3065

23 July 2019

Sub
3

PLN16/0925 - 000491

1 PAGE



██████████ Carlton Victoria
Tuesday 23rd July 2019

Vijaya Vaidyanath
Chief Executive Officer
PO Box 168 RICHMOND VIC 3121

Dear Ms Vaidyanath

Re: DISCONTINUANCE OF THE ROAD BETWEEN 5 AND 7 BRUNSWICK STREET, FITZROY

In response to the Yarra City Council Public Notice published in the *Age* of 26 June 2019 inviting submissions under section 223 the *Local Government Act*, I am hereby

- (a) making this submission in relation to the application to discontinue the right of way between 5 and 7 Brunswick Street, Fitzroy, and
- (b) requesting to be heard in support of my submission and be notified of the time and date of the hearing.

Enclosed please find my submission on the above matter.



Sub
4

190725-000491
5 PAGES

DISCONTINUANCE OF THE ROAD BETWEEN 5 AND 7 BRUNSWICK STREET, FITZROY

In response to the Yarra City Council Public Notice published in the *Age* of 26 June 2019 inviting submissions under section 223 the *Local Government Act*, I am hereby

- (a) making this submission in relation to the application to discontinue the right of way between 5 and 7 Brunswick Street, Fitzroy, and
- (b) requesting to be heard in support of my submission and be notified of the time and date of the hearing.

1. Dating from June 1840 as a "reserved lane", this historic right-of way opening into Brunswick Street was illegally closed by an electronic gate installed between 2010 and 2013 without Council knowledge or permission. This illegal installation is directly relevant to the subsequent VCAT Order dated 1 May 2018 which requires portion of this ROW to remain publicly available as a footway providing access "to the garden of Edensor /Dodgshun House" (i.e. VHR H1706).
2. The VCAT order varied Council's decision for planning permit PLN16/0925 as follows,

"Condition 1(l) is amended to read:

1(l) Setback the northern wall of the ground floor of the Brunswick Street entrance from the southern boundary wall of the Edensor/Dodgshun House property by 1.2 metres, with this setback paved in a manner that reflects its existing function as a bluestone lane in accordance with the recommendations of an appropriately qualified heritage consultant."

3. VCAT's paragraph 155 provided supplementary information:

"During the hearing, the applicant agreed that this could be widened to provide a walkway to the garden of Edensor/Dodgshun House that was independent of the hospital. It further agreed that this could be paved in bluestone to evoke the laneway. We do not oppose this concept, and will vary condition 1(l) to require it."

4. The 1.2m footway required by VCAT is now included in the revised plans for the Hospital, appropriately designed to be entirely "*independent of the hospital*" between the southern boundary wall of Edensor/Dodgshun House and the hospital entrance.
5. Heritage Victoria issued a permit for the Private Hospital's extension on 29 March 2019, and when the application for discontinuance of the Council's ROW was then reactivated, Council resolved on 4 June that "public notice of the proposed discontinuance be given in the appropriate newspapers . . .".

My position is simple and reflects the submission I made to VCAT.

I believe that the responsible decision for council in the public interest, is to retain the lane as a public lane, not just because of its significant cultural heritage values, but because it is extraordinarily important as providing public access for pilgrims and tourists to the birthplace site and commemoration bust of Saint Mary MacKillop.

I believe it might also help council, for me to include my record of the site visit I made as a party to the VCAT appeal. During its site visit, the Tribunal took particular interest in the blue stone laneway between number 5 and 7 Brunswick Street. This is the laneway that is now the subject of the application for discontinuance. This is also the laneway that has been and continues to be, unlawfully blocked and locked by St Vincent's thus denying public's rightful access.

As a party to the VCAT hearing I was present at the Tribunal's visit to the site. All parties present walked around the site including into the Dodgson House Garden, where the bust statue of St Mary

Mackillop sits in a commemorative garden bed. In fact, we could see the extent the new building would protrude over the commemorative garden. The parties also walked into and along the adjoining laneway.

I recall this visit to the laneway very clearly. In my VCAT submission I had focussed on the existing and potentially increasing public interest in the site as a pilgrimage destination. I had raised concerns about the loss of public access by the proposed development's projection over and under the lane way, as well as the protrusion into the Dodgson House property. In this submission, I have included some excerpts from my VCAT submission for council's consideration in their decision, as they address the public interest question. It is my belief, that the Tribunal also, was mindful of the public interest considerations when making their decision to retain direct public access from Brunswick Street. I believe this because;

- During that visit, the Tribunal clearly saw the consequence of the lane being subsumed into the Hospital development.
- The Tribunal remarked that the proposed plans, (viewed from the design plans and compared to the site in situ) showed a space between the southern perimeter wall of Dodgson House and the encroachment of the development into the lane from number 5 Brunswick Street.
- The Tribunal went further, in saying there was an opportunity for that area of lane, to be open to Brunswick Street, to provide separate public access from the Street to the Garden and the Saint's commemorative site. The public would not then have to go into the Hospital to get to the Saint's commemorative site.
- The Tribunal also noted the blue stone lane and commented that there may well be opportunity to retain the blue stone by designing them into the new building.

It is therefore not be chance or oversight or omission or error, that the Tribunal decision required that public access be retained.

St Vincent's knows this. In putting forward the revisionist plans that show a locked, that is private, access along the lane from Brunswick Street, St Vincent's is being disingenuous at the very least. In my view, St Vincent's is deliberately flaunting the VCAT decision. This is disrespectful. Is it not a breach of VCAT's decision? Is it not correct that council cannot vary the VCAT decision?

Excerpts from my VCAT submission for Council's consideration

- **The importance of, and potential level, of public interest, and**
- **The meaning of and importance of heritage values and their interaction with public interest.**
- **The faith and spiritual significance of the birth site of Saint Mary MacKillop.**

In considering its position on the laneway, council will be making choices between retaining the laneway for the public and ensuring it is in fact open for the public's use, or discontinuing it and transferring it to St Vincent's and to private ownership. In my view, council is also choosing between the private interest and short-term decisions versus decision making for the long term in the public interest.

It is clear now that that development proposed for the site will lock up permanently, the response to the commemoration of the site as the birth place of Saint Mary MacKillop. My view is that there is an extraordinary level of public interest in that site over and above that which has been allowed for, in the St Vincent's plans. Why do I say that?

The decision on the lane is the last remaining decision to be made for this very large development. The expansion by St Vincent's and on such a prominent site, filled with cultural heritage significance, will have permanent consequences to the neighbourhood, and suburb. Moreover, the decision by St Vincent's to build on the Saint's birth site, and on what is a sacred site, if it weren't, fact, would be unbelievable: When committed knowingly, by the church that declared the same Sainthood; it is itself, ironic. For this reason, I ask, that the Council, take a public interest perspective over and above, its consideration of the lane for its highly significant heritage values.

Level of Public interest now and in the future

How can one but question the appropriateness of such a minimalist response to the Saint's birthplace site? How does this proposal compare with best practice for Saints' *pilgrimage* sites globally and what might be the long-term expectation on numbers of visitors based on similar sites globally? The St Vincent's plan as currently presented to council, shows a small-contained commemorative site, accessed through the common Brunswick Street hospital entrance.

Questions immediately spring to mind. One wonders how a small flow of tourists will be managed, even before the global interest in faith tourism and pilgrimage, catches up. For example;

- How will hospital authorities vet and filter these visitors, especially as security to all institutions is continually being tightened?
- When and how might government, for example Tourism Victoria, intervene?
 - It is routine for significant sites to be part of government's policy and programs, and
 - The site owner invariably benefits from this arrangement.
- At what point does the Catholic hierarchy, with responsibility for Sainthood and with highly sophisticated support structures for pilgrimage to religious sites, take a position on decisions and management of Saint Mary MacKillop's site and commemorations?

By way of example, take the UN WTO figures of 300-340 million people annually that make faith, spiritual or pilgrimage visits. Globally, the principal religions and faiths are Muslim, Christian of varying denominations, Hindu, Buddhist, but there are numerous other spiritual sites that draw people. Many visitors are not believers. For example, and arguably, the closest Australia has to a spiritual site, is Uluru. Not many of the 850,000 annual visitors will be indigenous Australians. But visitors are all drawn there by the sense of curiosity, search for understanding. I am one of the many millions, who has visited sacred and spiritual sites all over the world for all those major religions but also confucism, Shintism, communism, and the war cemeteries where the spirits and legacy of the dead rise up and haunt us.

For the same reasons, this site is potentially singularly uplifting for those who might come to walk in Mary MacKillop's footsteps and to learn the story of a tenacious woman who had commitment to do good works for others and prevailed against the odds and the establishment. This now sacred birth site, raises the prospect of the better angels in us. And would you believe, directly opposite is the site of the workplace of Australian nun, Doctor Mary Glowrey, Servant of God, and progressing through beatification and canonisation, to being Australia's second Saint.

Fitzroy, Melbourne will have two saints facing off each other across Brunswick Street, with the spires of St Patrick Cathedral looming above? What more could we ask to raise the spirits and our collective reputation for civility, respect and aspiration for our futures?

The value of heritage is that between private value and public value, or between private interest and the public interest. – A conundrum to be unravelled here.

Australian experiences and potential for visits to the Saint's birth site

What might the world-wide recognition of Sainthood mean for the birth site of Mary MacKillop? What part of the 300 plus million potential visitors, that brings consequential global reputational boost and huge economic benefits to the host, might translate to the Mary MacKillop birth site? For those who can't relate to the Christian Catholic specific significance, perhaps reflection on other more well known, Australian spiritual experiences.

Take for example the millions of tourists to Uluru-Kata Tjuta, or to Port Arthur or in Victoria, our Shrine of Remembrance. All three are very different sites with different history and different legacy. But who when visiting these sites, is not drawn to the dream time spirits' stories or to the ghosts of the incarcerated convicts, or to the sacrificed lives of those men and women. In Australia, visitors to all 3 sites have increased exponentially.

At Uluru, with visits exceeding 300,000 a year (2015), and with better appreciation of aboriginal heritage values and sacredness of the dreamtime, climbing of the rock had to stop both for sustainability of the rock itself, but also in respect of it being a sacred site.

Reference: <http://www.abc.net.au/radionational/programs/offtrack/climbing-the-rock:-why-do-tourists-still-climb-ulu/6603640>.

So what future is being imposed on our only Saint's birth site by the demolition and build over and under and with no direct public access? As with the loss of all heritage places, either through demolition or degradation, once gone, gone for good.

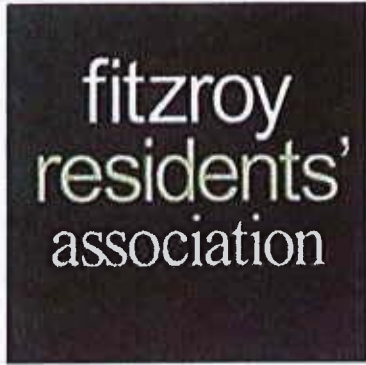
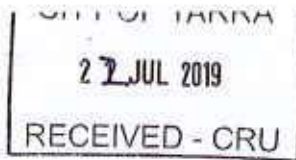
Annual reports of the Shrine of Remembrance Trustees show 2008/9 attendance to all services and programs of 536,000 and an increase to over 1 million by 2015-16; almost 100% increase in 7 years. It may seem a stretch to compare the Shrine with Saint Mary MacKillop; but why? Similar increases have occurred to war memorial sites and religious and spiritual sites overseas. At the Saint Mary MacKillop birth site, the plans proposed confine the Saint's site visits to a small garden shrine area, accessed through the hospital entry and a narrow pedestrian way under the new building. The associated Heritage Centre in Albert Street provides museum and visitor services and programs, during week days between 9 am and 5pm. But even with out promotion or a change in policies, for how long will the Church be in control? What percentage and numerical increase in visitations might be expected just by virtue of the Saint's site? What compounding effect on interest would arise from Mary Glowrey, now a Servant of God on the trajectory to Sainthood, being commemorated in the ACU opposite?

I do not presume to know better than the responsible Roman Catholic Church authorities. And who speaks in the public interest? In this case, concerning the discontinuance of the lane, Council speaks in the public interest.

I trust I have opened the discussion to the matter of, who is the public and what is the public interest and what import – measurement – should be attributed to the public interest for Saint Mary MacKillop site and more extensive pilgrim image context?

Nicholson Street Fitzroy 3065

Tuesday 23rd July 2019



www.fitzroyresidents.org.au

PO BOX 2123, FITZROY VIC 3065
info@fitzroyresidents.org.au

19 July 2019

Ms Vijaya Vaidyanath
Chief Executive Officer
Yarra City Council
PO Box 168
RICHMOND VIC 3121

Dear Ms Vaidyanath

Proposed discontinuance of the road between 5 and 7 Brunswick Street, Fitzroy

We submit that in view of Council's powers under clause 3 of schedule 10 to the *Local Government Act 1989*, Council should not discontinue **part of the road** between 5 and 7 Brunswick Street, Fitzroy. The basis for this submission is to ensure that Condition 1(1) in planning permit PLN 16/0925 as amended by VCAT (reference No. P1853/2017 & P1854/2017) is carried out to provide a walkway to the garden of Edensor/Dodgshun House that is independent of the hospital and accessible to the public.

Extract from VCAT Order dated 1 May 2018

- 2. *The Tribunal directs that planning permit PLN16/0925 must contain the conditions set out in planning permit PLN16/0925 issued by the responsible authority on 11 August 2017 with the following modifications:*

- (e) *Condition 1(l) is amended to read:*
 - 1(l) *Setback the northern wall of the ground floor of the Brunswick Street entrance from the southern boundary wall of the Edensor/Dodgshun House property by 1.2 metres, with this setback paved in a manner that reflects its existing function as a bluestone lane in accordance with the recommendations of an appropriately qualified heritage consultant.*

Yours sincerely



Sub 5

DIR/127421

1 PAGE

Submission from [REDACTED] George Street, Fitzroy, under the Local Government Act section 223, regarding the Proposed Road Discontinuance between 5 and 7 Brunswick Street, Fitzroy (ROW 1600).

ROW 1600 proposed for discontinuance is historically important as a feature of Fitzroy's early settlement pattern, having been open for public usage since 1840. It can truly be said to have been present at the birth of the suburb. The bluestone block paving appears to be among the best preserved, the least cemented, of any in south Fitzroy

As I understand it Yarra Council actually has the right to refuse complete discontinuance and should endeavour to exercise it in this instance. The compromise of a diminished walkway 1.2 metres in width as stipulated by VCAT, consisting of paving to "evoke" (VCAT's term) its "existing function", is an acceptable compromise. It should only apply to that part of the current ROW that will not form part of the walkway stipulated by VCAT.

The new 1.2 metre walkway should be protected by being retained in the ownership of Yarra Council, thereby preventing permanent closure by a gate across the ROW which would otherwise preclude public access along the walkway to the garden area. The installation of any "service access gate" off Brunswick Street according to the revised plans would actually negate the VCAT stipulation because the walkway and any heritage-type treatment it received would be removed from public access and appreciation. This makes Yarra's retention of ownership of the 1.2 metres imperative.

[REDACTED]
20 July 2019

Sub
6

1 PAGE

D 19/129165

CITY OF YARRA
24 JUL 2019
RECEIVED - CRU

DISCONTINUANCE OF THE ROAD BETWEEN 5 AND 7 BRUNSWICK STREET, FITZROY

In response to the Yarra City Council Public Notice published in the *Age* of 26 June 2019 inviting submissions under section 223 the *Local Government Act*, I am hereby

- (a) making this submission in relation to the application to discontinue the right of way between 5 and 7 Brunswick Street, Fitzroy, and
- (b) requesting to be heard in support of my submission, and be notified of the time and date of the hearing.

SUBMISSION BY [REDACTED] GEORGE STREET, FITZROY, 3065.

1. Dating from June 1840 as a "reserved lane", this historic right-of way opening into Brunswick Street was illegally closed by an electronic gate installed between 2010 and 2013 without Council knowledge or permission. This illegal installation is directly relevant to the subsequent VCAT Order dated 1 May 2018 which requires portion of this ROW to remain publicly available as a footway providing access "to the garden of Edensor /Dodgshun House" (i.e. VHR H1706).

2. The VCAT order varied Council's decision for planning permit PLN16/0925 as follows,

"Condition 1(l) is amended to read:

1(l) Setback the northern wall of the ground floor of the Brunswick Street entrance from the southern boundary wall of the Edensor/Dodgshun House property by 1.2 metres, with this setback paved in a manner that reflects its existing function as a bluestone lane in accordance with the recommendations of an appropriately qualified heritage consultant."

3. VCAT's paragraph 155 provided supplementary information:

"During the hearing, the applicant agreed that this could be widened to provide a walkway to the garden of Edensor/Dodgshun House that was independent of the hospital. It further agreed that this could be paved in bluestone to evoke the laneway. We do not oppose this concept, and will vary condition 1(l) to require it."

4. The 1.2m footway required by VCAT is now included in the revised plans for the Hospital, appropriately designed to be entirely "independent of the hospital" between the southern boundary wall of Edensor/Dodgshun House and the hospital entrance.

5. Heritage Victoria issued a permit for the Private Hospital's extension on 29 March 2019, and when the application for discontinuance of the Council's ROW was then reactivated, Council resolved on 4 June that "public notice of the proposed discontinuance be given in the appropriate newspapers . . .".

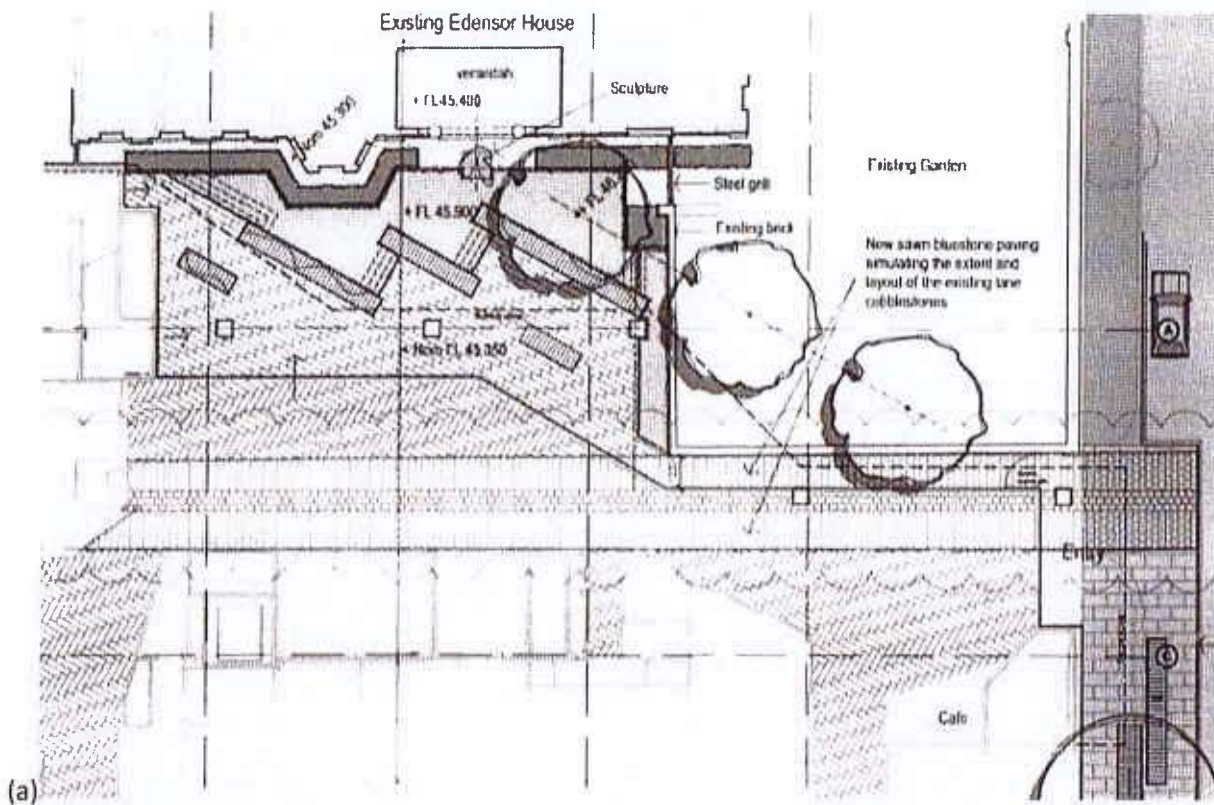
6. The advertisement which the *Age* published on 26 June referred to "Yarra City Council, acting under clause 3 of schedule 10 to the *Local Government Act 1989*", but the explanation that "Council may resolve not to discontinue the Road or to discontinue the Road and then either sell the land from the Road to the adjoining owner or transfer the Road to itself", does not make it clear that the *Local Government Act Schedule 10—Powers of Councils over roads* provides a third option:

7. In the Schedule, Clause 3 **Power to discontinue roads** provides Councils with the power to discontinue part of a road rather than the whole road:

- "(a) discontinue a road, or part of a road, by a notice published in the *Government Gazette*; and
- (b) sell the land from that road (if it is not Crown land), transfer the land to the Crown or itself or retain the land."

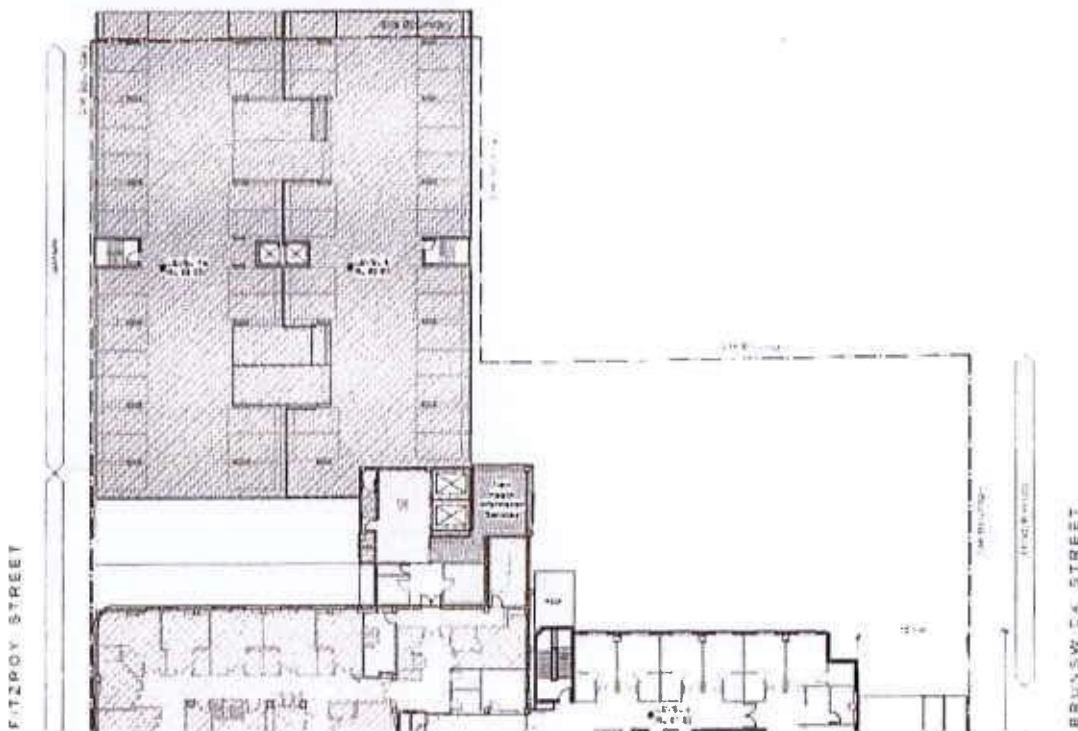
8. Consequently, under clause 3 of schedule 10 to the *Local Government Act*, Yarra Council clearly has the power to discontinue *part of a road* (i.e. the portion required by the Hospital) rather than discontinue the full length or full width of the road, and *retain the land* that remains after discontinuing another part of the road. Note that the meaning of “road” in **sn 3 Definitions** in the *Planning and Environment Act 1987* is that

road includes highway, street, lane, footway, square, court, alley or right of way, whether a thoroughfare or not and whether accessible to the public generally or not;
9. Therefore Council’s decision in response to the proposed discontinuance of this 1840 right of way can and must be determined in accordance with the VCAT order rather than this application to obtain the whole of the ROW, with the revised plans approved by Heritage Victoria showing that the northern 1.2m wide section of the ROW is not located within the Hospital walls.
10. As VCAT stated in paragraph [28] “In situations like this, the applicant must (a) gain planning permission, and (b) gain consent to discontinue the road under the *Local Government Act*. These are separate processes.” However VCAT did **not** grant planning permission for the Hospital to be built over the north-eastern section of the ROW but instead, as it stated in paragraph [155], required that the section of bluestone lane that was not part of the Hospital should be “*widened to provide a walkway to the garden of Edensor/Dodgshun House that was independent of the hospital*”.
11. As the major part of the ROW is now included in the Private Hospital extension, that portion can be discontinued and sold, whereas the retention and continued use of the 1.2m wide portion of the bluestone lane as a “walkway” is now a mandatory planning requirement. It therefore must be retained by the City of Yarra so that it remains “*independent of the hospital*” and “*paved in a manner that reflects its existing function as a bluestone lane*”. Note that Yarra’s *Infrastructure – Road Materials Policy* includes in its Laneway repair/Reconstruction section details for improving the walkability of bluestone lanes as required.
12. Another major reason for Yarra to retain ownership and hence the responsibility for ensuring that the north-western portion of the lane remains available to the public, to provide access to the garden of Dodgson House, is evident in the illegal electronic gate installed across the lane between 2010 and 2013. The revised landscaping design for the garden and the lane in the shows a “service access gate” at the Brunswick Street end which, like the present illegal gate, could be permanently closed to exclude the public despite the substantial reasons why VCAT recognised a legitimate concern for people to be able to freely access the site of St Mary MacKillop’s birthplace.
13. The City of Yarra must therefore retain that portion of the ROW which VCAT required to be setback 1.2m from the boundary wall, with paving to reflect “*its existing function as a bluestone lane*”. This will then ensure that its “*existing function*” will continue, and that public access cannot be restricted by the Hospital by means of the installation of another gate to replicate the current illegal gate. Obviously, for security reasons, the Hospital will install a see-through gate at the western end of the “walkway” to enable the garden be securely locked after-hours, but nevertheless still enable the public to see the superb south façade of Dodgshun House designed by Hyndman and Bates.
14. The illustrations appended to this submission show two significant matters:
 - (a) The revised landscape plan clearly shows the gate at the Brunswick Street end of the ROW which, when closed, will be on the same street alignment as the Hospital entrance. Unless Council retains ownership of this part of the lane, the gate will not only exclude the public, but is likely to conceal what remains of the lane. This was not the intention of the VCAT condition.



Note that the dotted line along the lane indicates the extent to which the Hospital's first floor protrudes out over the walkway providing valuable protection from sun and rain.

15. This overhang does not affect Council's ownership of the right of way. Illustration (b) shows a much larger overhang which can be seen in Princes Street where the upper levels of the northern end of the Private Hospital car park extends out over half the width of the Princes Street roadway. Overhangs and overhead bridges can be seen throughout Melbourne.



CITY OF YARRA
24 JUL 2019
RECEIVED - CRU

Ms Vijaya Vaidyanath
CEO
Yarra City Council
PO Box 168
Richmond
20 .07 .2019

Dear Ms Vaidyanath,

Re : Discontinuance of the road between 5 and 7 Brunswick St. Fitzroy

In response to the Yarra City Council Public Notice published in the Age of 26th June 2019 inviting submissions under section 223 of the Local Government Act, I write in support of the submission by Louise Elliot re. this matter i.e that in line with VCAT decision VHR HI706, 1 May 2018 part of this ROW between the southern boundary of No 7 Brunswick St and the northern entrance to the hospital remain publicly available as a footway providing access to the garden of Edensor/ Dodgshun House and that it be paved with bluestone ' in a manner to evoke the laneway '

Integral to nineteenth planning and much vaunted as characteristic of the Melbourne's urban scene ,one would hope that Council Policy generally is to retain lanes in public ownership especially in areas covered by Heritage Overlays . This lane dates from 1840 and forms part of the earliest subdivision outside the city centre . Of course we'd prefer the entire lane to be retained but failing this a 1.2metre wide lane [of which there are a number of similar width in Fitzroy] in public ownership is better than nothing.

I hope the Council will decide in favour of the VCAT decision and retain the ROW in public ownership.

Yours faithfully

[Redacted Signature]

Architect
[Redacted] Argyle St
Fitzroy



DI9/129/66
1 PAGE

[Redacted]

CITY OF YARRA
24 JUL 2019
RECEIVED - CRU



60540847141099



SAVING THE MARY MACKILLOP BIRTHPLACE ALLOTMENT

Sub
9

5 PAGES
D19/129169

PROPOSED ROAD DISCONTINUANCE

Submission to Yarra City Council
23rd July 2019

Chief Executive Officer
Yarra City Council
PO Box 168, Richmond Vic 3121

PROPOSED ROAD DISCONTINUANCE

The proposed discontinuance of the public laneway between nos. 5 and 7 Brunswick St. Fitzroy as announced in the City of Yarra public notice published in the Age (26/06/19) should not proceed at this time.

Context

The laneway in question is the sole public access to the plot of land immediately south of Dodgshun House (Edensor). It was on this plot of land that stood Marino Cottage, the birthplace-home of St. Mary of the Cross MacKillop, Australia's first saint.

Mary MacKillop is significant for all Australians, not only for Catholics who honour her as a saint. As a saint of the universal church, she has been declared of universal significance because of her exemplary life as a strong, intelligent and pioneering woman of justice, courage, determination, patience and compassion. She is of international significance and

The decision by Heritage Victoria to allow the proposed redevelopment of St Vincent's Private Hospital will result in the excavation of a substantial portion of the birthplace allotment. This decision was based very largely on a Heritage Impact Statement (HIS) prepared by Lovell Chen for the architects of the proposed development. The HIS classifies the western two-thirds of the allotment as "of little or no significance", even though it is certain that Marino Cottage was situated at least partially, if not totally, within this area. It cannot be considered coincidental that the area described as "of little or no significance" just happens to be already defined by a brick wall erected previously by the hospital to hide a car park.¹

The area east of this brick wall has since been erroneously described, by agents of the hospital as the birthplace of Mary MacKillop, and the low garden wall as representing the footprint of the cottage. This mistaken identity can be found even on the Sisters of St Joseph website².

Pre-emptive Acquisition

The point of the above introduction is to contextualize what is in effect an attempt to pre-emptively acquire a parcel of public land on the basis of systemic deception about its heritage significance.

Private acquisition of the laneway at this time would limit accountability on the part of the developer towards the public interest in the use of the original birthplace allotment.

Given the acquisitive actions hitherto demonstrated by the developer (e.g. annexation and concealment of the car park area, demolition of the heritage brick wall along the laneway for access to the car park, closing off access from Brunswick St.), what likelihood is there that the public interest will be served?

How will the "Historical Archaeological Assessment report" mandated in the conditions attached to the Heritage Permit be undertaken and effectively overseen without public access to the site?

¹ Lovell Chen, Edensor (Dodgshun House) H1706 Heritage Impact Statement, June 2018, page 15

² Sisters of Saint Joseph website - <https://www.sosj.org.au/mary-mackillop-s-birth-site-now-open/136330/> (Accessed 2/8/2018)

Last Chance for Protection of Public Interest

This would appear to be the last chance that City of Yarra has to protect this major heritage place for future generations. Private acquisition of the laneway is not in the public interest, and other ways need to be found to satisfy the legitimate aspirations of the Hospital owners without compromising the public interest.

The laneway could be substantially retained as public space and still allow development to one side and even partially overhead.

██████████ Architect

23/07/2019

were originally of a secondary nature and are not distinguished by their decoration, as well as those that have undergone a degree of alteration as part of later works.

Elements of little or no significance

Spaces, elements and fabric of little or no heritage significance are those which were originally very minor in nature; contribute little to the cultural significance of the place; have been so altered that their significance is diminished; and/or are later elements and fabric.

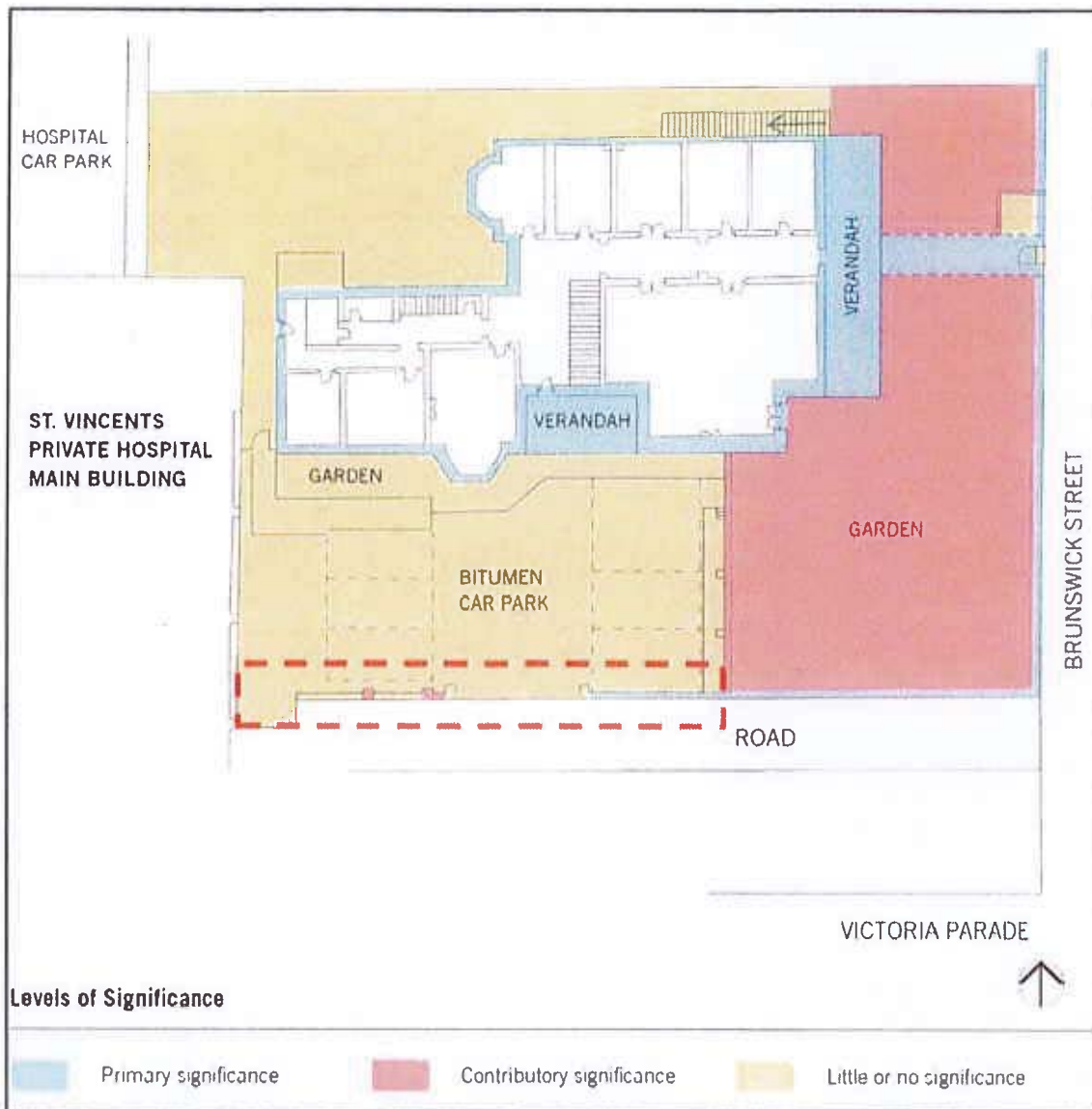


Figure 12 Ground floor plan showing levels of significance with sections of southern wall to be demolished indicated

Source: Edensor, Conservation Management Plan, Lovell Chen, 2012 (finalised 2016)

The CMP includes policies relevant to new development on the site, including a comment on the landscaping and brick wall. These policies are as follows:

Policy 1: The retention and conservation of significant heritage fabric should be a key consideration in the future management of Edensor.

Policy 3: Future conservation works which affect fabric and elements of significance should be carried out having regard for the principles of the Australia

Mary MacKillop's Birth-site now open

July 3, 2010

Monday, October 17th was a glorious Spring day in Melbourne as we gathered to commemorate the anniversary of the Canonisation of St Mary MacKillop – at her Birth-site, where the Josephite story began!



Mary was born on January 15, 1842, at number 7 Brunswick Street Fitzroy (then 'Newtown'), when the colony of Melbourne was less than seven years settled. At that time, while many of Melbourne's early settlers lived in tents, Alexander and Flora MacKillop owned this land, on which stood the tiny Marino Cottage.

As we sat or stood facing the 'footprint' of the original cottage, a low brick wall enclosing a cottage garden, in which stands a bronze image of Mary and a commemorative plaque, we were invited to reflect on, and share, how it felt to be in this 'holy place', and how it must have been then for Mary's proud young parents, who were recent immigrants from the Scottish Highlands.

Much has changed around Brunswick Street since that day in January 1842 when the world was gifted with the birth of this baby girl whose life has made such a difference to the lives of countless people. Marino Cottage is no longer, and Dodgshun House, a large, 2-storied 19th Century heritage-listed building now dominates the property. Originally built and owned by Samuel Gillott, a prominent lawyer and politician who was elected Lord Mayor of Melbourne in 1900, it is owned by the Archdiocese of Melbourne, and currently leased by St Vincent's Hospital (which it adjoins) as an administrative centre.



On October 17, as I stood there on the 'holy ground' of number 7 Brunswick Street, Fitzroy, and looked out through the front gate, I could not help but wonder what Alexander and Flora would make of what is currently happening right over the road from Marino Cottage. They could never have imagined that, in October 2011, they would be looking at giant cranes and the shell of a new multi-storey building. You see, Australian Catholic University is extending its nearby Melbourne campus, and there, right opposite where Mary was born is the site of its soon-to-be-completed *National Centre for Health and Wellbeing*, which will include the St Mary of the Cross MacKillop Chapel and Plaza, the foundation stone of which was unveiled on October 17, 2010 – the day of their daughter's Canonisation!

Mary MacKillop Heritage Centre is keen to promote Mary MacKillop's Birth-site as a place of pilgrimage and prayer. Thanks to the Melbourne Archdiocese which maintains the site, there is now a lovely, welcoming 'cottage' garden and plenty of seating (including a shady rounda). It is now a beautiful space for some quiet time out.

Dear Councillor,

I write as a concerned community participant/submitter, who has participated at each stage of this private hospital development application, affecting the Victorian registered heritage sites, adjacent to this roadway.

As a VCAT major case it was necessary to section off aspects of this submission workload to various community submitters.

My submission concentrates on the Dodgshun House/St Mary Mackillop birthplace allotment and the protection of the Victorian State heritage, as effected by this roadway

- The pending sale and discontinuation process
- The prior gating and locking of this public road and potential adverse possession

SUBMISSION TO COUNCIL UNDER SECTION 223 [1] [a] [iv]

REGARDING :

SALE AND DISCONTINUANCE OF THE PUBLIC ROAD BETWEEN NO 5 AND NO 7 BRUNSWICK ST, FITZROY.

*Sib 10
18 PAGES*

ALSO MATTERS REGARDING:

PRIOR PUBLIC ROAD APPROPRIATION AND INSTALLATION OF A LOCKED INDUSTRIAL-TYPE GATE, TO THE ENTRY POINT OF A PUBLIC ROAD, BETWEEN NO 5 AND NO 7 BRUNSWICK ST, FITZROY; FOR A SUBSTANTIAL PERIOD OF TIME, PRIOR TO ANY LEGAL, TRANSPARENT, PUBLIC ADVERTISING AND FORMAL SALE AND DISCONTINUANCE PROCESS UNDER THE LOCAL GOVERNMENT ACT.

A]. BACKGROUND CONCERNS ABOUT THE APPROPRIATION AND GATING OF A PUBLIC ROAD AND SUBSEQUENT VCAT PERMIT APPEARING TO PRE-EMPT THIS COUNCIL DECISION ON SALE AND DISCONTINUANCE.

This road appropriation is another step in a planning and heritage process which illustrates Yarra City and Fitzroy are in a predominant period of appropriation, development and potential heritage

destruction, despite the assumed protections in the local government, heritage and planning administrative system.

The prior appropriation and installation of a locked industrial gate, to the entry of this public road raises matters of **fairness and orderly planning and Council power to prevent appropriation of a public road.**

This raises the questions:

- **Can private organisations appropriate and lock off public roads in prominent public places with impunity?**
- **Is this supported by the VCAT Decision on the St Vincent's Private Hospital development?**

It was witnessed repeatedly in the St Vincent's Private Hospital VCAT Hearing, that Senior Counsel arguing the hospital development, made much argument to convince the Tribunal that the Yarra City Planner's Report and recommendation on the Hospital Application was of greater weight than the Council IDAC Decision, which amended the planners recommendation to provide protection to prevent development on Victorian Heritage Registered sites [Condition 1.[k].

The subsequent VCAT decision further removes or undermines protections of State registered heritage sites and access to the sites via this public roadway by over - ruling:

- Council permit conditions, local laws
- empirical methodology supporting State heritage registration
- Assumed statutory protections and processes originally designed to protect heritage.

1. The pre-empting power of VCAT and Heritage Victoria to allow road way sale and discontinuance to assist development and heritage loss:

This concern is illustrated by the **power of VCAT**, which issued a **permit for development on Heritage Victoria registered sites** and which also **potentially pre-empts local government control of the future of this Public Roadway.**

- **A VCAT permit** for a generic, institutional style, hospital development on Heritage Victoria Registered Sites [comprising excavation and removal of a considerable section of the Mackillop site for 2 hospital basement levels, demolition of heritage, cantilevering upper stories, concrete pylons].
- This will **extend into and above the Public Roadway** from the Eastern Hill Hotel onto the Mackillop and Dodgshun House site **in spatial disregard** for these two important State Heritage Registered sites on either side of the Public Roadway despite the later HV modifications to the permit.
- This VCAT permit decision pre-empted the Heritage Victoria application process.

This is evidenced by

- Heritage Victoria reconsidering the same planning submissions which were presented to VCAT by the hospital
- and the VCAT Decision document, which formed the main substance of the submission to Heritage Victoria by the hospital.

- Heritage Victoria acquiesced to these **hospital sponsored VCAT submissions** [with minor changes]. The Heritage Victoria Decision appears to have been made primarily on non – heritage grounds given its decision is dominated by material presented to VCAT and re-copied in its Decision]
- **To emphasise: the Heritage Victoria Decision was dominated by long extracts from the Hospital planning arguments in ‘cut and paste’ format [italics], of 17 pages of the 27 pages of the Heritage Victoria decision. HV briefly ‘accepts the applicants response’ on page 21 par 6-8.**
- **There is no equally detailed independent heritage analysis by Heritage Victoria of the heritage sites and 11 public submissions. [See 14 line summary, section 5. HV Decision]**

This application has become very disillusioning for heritage watchers and is a further example of the failure to prioritise Victoria’s pre-eminent and unique heritage sites over development and demolition.

A further inadequacy in this process is the failure to assess heritage ‘**social significance**’:

In the case of the Mackillop site, the heritage citation details **regarding St Mary’s unique Australian recognition for both religious and social achievements, were needed to be updated**. IDAC was alerted, to this inadequacy, too late in the Council process but imposed Condition 1.[k] to attempt protection of the heritage registered sites.

The VCAT permit has removed this Council protection clause 1. [k] and Heritage Victoria appears to rubber stamp this VCAT decision with minor changes.

This is a very significant loss for Yarra Heritage, given St Mary Mackillop’s national and international profile.

Therefore:

A site of ‘great religious pilgrimage’ [Heritage Victoria Citation] has been sold to be subsumed into a private hospital expansion.

A reported **Restrictive Covenant** [see HV Decision page 21. para 1-2. on the site has not been advertised for public scrutiny.

The public roadway sale will facilitate and seal this heritage loss.

1. Roadway Concerns at Council level :

At the Council level the sale and discontinuance raises the following matters of concern:

- This road way has apparently been unofficially **locked with an industrial steel gate** for a **considerable period of time**, prior to this application for sale and discontinuance. [This matter was raised by public submitters at the VCAT formal examinations of the St Vincent’s Hospital Application to develop on and around this road].
- This gating and appropriation could be seen as another attempt to **pre-empt the Council decision making power and authority**, on the future of the site and assist the hospital development application, at the expense of State and local heritage.

- This prolonged and **publicly observable gating in a prominent place from footpath on a busy public road on Brunswick St**, is public and visible and illustrates a distorted power imbalance and disregard for the public status of the road and its connection to **the State registered heritage sites** which were serviced by this public road. This road provided necessary access to the rear and side entries of numerous adjacent buildings and heritage sites.
- The sale of this roadway is the 'last domino' which will **decide the fate of the spatial integrity, sense of place, of these heritage sites** and will allow demolition, excavation and removal of important heritage. The Mary Mackillop site will be seriously overbuilt with concrete pylons and cantilevering after excavation for hospital basements, despite partial reduction of development by Heritage Victoria.
- The locked gating raises issues of consultation with **fire, safety and security authorities**.

These adjacent Victorian State registered heritage sites [the **Eastern Hill Hotel, Edensor/Dodgson House/ St Mary Mackillop birth place**, are both **notable physical buildings and the place of origins** of some of the **most important national reforms and social initiatives in our early history and a place of 'great religious pilgrimage'** [HV Citation].

- Yarra City has the absolutely unique honour to be the site of these places and it should be defending the spatial integrity and the access and egress of these sites and sense of place.

The architectural significance is well detailed, but the **cultural, social and spiritual perspective was not properly elaborated** in most planning and heritage reports compared to economic arguments for private hospital expansion.

2. Heritage denialism, manipulation and omission another factor leading to road sale 'fait accompli'.

Council has the opportunity to protest against the failure to properly elaborate the heritage significance of the adjacent sites against attempts to manipulate historical evidence, downgrade the site and facilitate the public appropriation / road sale.

Example No 1: Heritage assertions without evidence

The Hospital applicant is reported in the Heritage Victoria Decision page 20 dot point 3.

The exact birth place of Mary Mackillop is unknown and archaeological investigation could be a permit condition' [my underlining]

This type of **denialism and doubt raising, by the word 'unknown'** towards the St Mary Mackillop birth place, ignores the Heritage Victoria Citation and Memorial marking the birth place allotment submitted as evidence.

It surely is up to the applicant and Heritage Victoria to categorically disprove the Heritage Victoria Citation.

[This example highlights the attempted **denialism of the cultural/ spiritual significance** of the site to facilitate appropriation and development in combination with the **assumption of road appropriation**].

[For what it's worth the exact birth place of the Buddha, Jesus Christ and the prophet Muhammed is also unknown but Lumbini, Bethlehem and Mecca are all pre-eminent places of origins of spiritual association and world heritage sites].

As I write this the ABC news reports the Australian government is initiating preservation of former Prime Minister Bob Hawke's originating place in Bordertown South Australia.

Example 2. Omission to analyse social and cultural and spiritual significance of a heritage site.

The **Heritage Impact Statement [HIS]** submitted to VCAT and Heritage Victoria was based on the information in the Conservation Management Plan [CMP] for **Edensor/Dodgshun House**. The HIS was based on a CMP document which admits **omission and failure to properly assess the social, cultural, or spiritual significance of the sites, on page 71 para 4.3 'Social value'**

Why was Australia's only birth place of a saint [Peace and Meditation Garden dedicated with two plaques one by Former Fitzroy Council, one by the Catholic Church] not assessed for its **social, cultural and spiritual significance**, in the Conservation Management Plan and Heritage Impact Statement which informed Heritage Victoria?

Was it an inconvenience to development, gender and cultural bias or failure of comprehension?

Example 3. Attempt to downgrade the birthplace of Mary Mackillop to 'little or no significance'

The Conservation Management Plan [CMP] and Heritage Impact Statement[HIS] for Edensor/Dodgshun House, submitted to VCAT and Heritage Victoria by St Vincent's Private Hospital also attempted to downgrade the birthplace allotment of St Mary Mackillop to **'little or no significance'** through the manipulation of map colouration and the selection of arbitrary levels of significance, in direct contradiction to the Heritage Victoria Citation, see page 87 attached, despite it being on the Victorian Heritage Register.

This repeated downgrading is based on a serious conceptual flaw within the conservation analysis which has been undertaken by Lovell Chen over a period of seven years. Without explanation or consultation with key interest groups including the group organized by Sister Theresa Stubbs [A member of the Sisters of Saint Joseph of the Sacred Heart] which undertook research in 1997, the Roman Catholic Fitzroy Parish of All Saints and the Former City of Fitzroy/Yarra City, the site was re-interpreted into three levels of significance.

These included:

Primary Significance [Blue]

Contributory Significance [Pink]

Little or no Significance [Green]

Refer page 87 of Conservation Management Plan for EDENSOR [7-9 Brunswick Street, Fitzroy].

Because the conservation analysis was primarily focused on the existing state of Dodgshun House and architectural features connected to the mansion, this three way breakdown could be applied in a meaningful way. However in the case of applying levels of significance where all physical evidence has been removed it makes this process meaningless.

For example because the western part of the birth allotment was covered by a hospital car park it was designated as being of **'little or no significance'** while the area supposedly occupied by the garden connected to Marino Cottage was designated as being of Contributory Significance.

Marino Cottage is the supposed house in which St Mary is said to have been born.

At this stage however there is no documentary analysis to support this re-interpretation of the site.

By relying on the present state of the birth allotment and overlooking the importance of the critical link to Saint Mary through the originating **Memorial No.1429** which recorded the name of **Alexander Mackillop as a Party to the Conveyance Instrument both the:**

Conservation Management Plan /Heritage Impact Study and

Heritage Victoria by not conducting any independent analysis;

overlooked documentary evidence that links the birth allotment to Saint Mary.

The Memorial also clearly illustrates with a sketch the roadway adjacent to the Mackillop birth place allotment.

A] Heritage denialism

Heritage Victoria failed to mention or fully clarify what best practice methodology of heritage analysis was applied to the site, including analysis of the **Memorial or the downgrading** regarding to **'little of no significance'**, in the property owner sponsored CMP page 87, which provided the Heritage Impact Statement [HIS] with its analysis of heritage and **repeated the downgrading of the site.**

As **the place** will be partly destroyed/developed, is Victorian State heritage registration **malleable at the whim of VCAT and Heritage Victoria**, and on what empirical evidence or historical methodology?

Therefore as a result of the VCAT and Heritage Victoria process there been a failure to fully analyse the site and clarify doubts and denial of the significance of the site.

Council must continue to challenge this heritage denialism and the failure by heritage consultants to provide convincing evidence for this attempted informal re-interpretation of the history of the site, simply to justify development on sites covered by Victoria State Heritage Registration.

B] The authority of councils responsible for heritage areas is undermined by a such attempted manipulations of heritage to suit development.

Yarra City Council must raise these issues in the appropriate forum and reject such manipulation/re-interpretation of its heritage assets and assert its local government responsibility for the site as a matter of public interest.

These heritage sites and the public road must be valued as **more than just an inconvenience to development**.

They are now to be subsumed into an amorphous private hospital development with few concessions to the City of Yarra and heritage **for present and future generations**.

Council should not proceed on the road sale at this stage, in a **process which appears to be unfairly influenced by** :

- Prior public road appropriation,
- privatisation by gating a public road,
- inaccurate heritage analysis and planning and heritage implications of adjacent heritage site[s].

3. Road appropriation ignores growing tourism pilgrimage and 'Aussie Camino'.

This application of sale and discontinuance of a public road ignores the importance and growing tourism and pilgrimage use of the site, and the need for proper access and servicing of a place of assembly, national site of pilgrimage.

Council must re-assert this social significance and economic tourism potential.

Secular and religious pilgrimage continues to grow in popularity : the Kokoda Track, the Western Front, Indigenous sites or Mary Mackillop's journeys and sites of social initiatives in the expanding Aussie Camino [see website] in Australia and overseas.

The attempts to part- demolish, destroy and develop these sites of unique, historic and tourism importance namely; the **Eastern Hill Hotel, Dodgshun House /Mary Mackillop birth place allotment/ pilgrimage place** [also a Peace and Meditation Garden], should be of great concern to properly informed councillors.

[In addition Easthill House on Victoria Parade, locally significant, a unique mid -century Spanish Baroque building [Art deco period] is to become a victim of hospital facadism. [Despite the VCAT hearing not being provided with any superior example of this style].

OTHER IMPORTANT CONSIDERATIONS FOR COUNCIL:

[A] The road sale and the facilitation of a pilgrimage /place of assembly in a private hospital. This conflicting use is a potential factor to consider in **the road sale and discontinuance process.**

Yarra Council could consider whether it has any options including a new planning application to transparently control how the private hospital will practically conduct and enhance an inclusive pilgrimage/place of national significance, a place of assembly, given the realities of running an exclusive private hospital. This is a visionary concept.

The hospital did not specify this inclusive pilgrimage function [e. g. enclosed peace and meditation garden [separate from the hospital café courtyard], in its original planning application to Yarra City in 2017.

This place is an important Yarra City **architectural, social, tourism and pilgrimage asset**, which the St Vincent's Private Hospital has not made a specific, public, conservation or planning application by public advertising to resolve this conflicting use as an inclusive pilgrimage destination /place of assembly, in a private hospital.

The community has not been consulted.

VCAT ignored and Heritage Victoria is extremely vague about this matter, the decision focus is on Dodgshun House as a physical site. RECOMMENDATIONS [page 25-27 of its decision].

How this will work in practical terms is unclear from the Heritage Victoria conditions. Some changes and conservation were required by Heritage Victoria [SEE RECOMMENDATIONS PAGE 25-27 of the Heritage Victoria decision].

Nationally important pilgrimage site

How is this nationally important pilgrimage/ meditation garden function going to operate in practical terms in a busy private hospital and given the public road sale and discontinuance and small front entry gate to the mansion Dodgshun House?

The heritage evaluation of these sites, on either side of this Fitzroy **public road**, has provided an example of the failure of the planning and heritage system to protect and enhance the integrity of heritage sites **for present and future generations.**

This is a heritage loss through the attrition of overwhelming hospital development and appropriation of a site of spiritual /cultural association.

This **road way appropriation** is another example of the step-by-step attrition on our heritage.

B]. ARCHAEOLOGICAL SURVEY

HERITAGE VICTORIA REQUIRES AN ARCHAEOLOGICAL SURVEY OF THE SITE AS A CONDITION OF THE PERMIT.

The Council has an obligation, out of respect for orderly planning and the community association and sensitivity of the site, to defer any consideration of this roadway sale and discontinuance, until the **archaeological survey findings are complete**, in the interests of the integrity and transparency of the process of fully assessing the site.

This consideration includes the practical need for side access to conduct the archaeological survey.

C]. ALUCUBOND

PROBLEM OF PROPOSED ALUCUBOND IN THE EXTERNAL FAÇADE SHOWN IN HOSPITAL PLANS ABOVE THE VICINITY OF THE PUBLIC ROAD WAY TO BE SOLD.

Despite this problem being objected to and raised with VCAT and Heritage Victoria, it has not been clearly analysed and ordered to be replaced with a **safer and more heritage appropriate material**. Heritage Victoria decision detail via applicant 'cut and paste page 9 does not address the **alucubond** problem. Council must ensure this material is checked for the highest reliable safety standards or removed before proceeding with this public road way consideration.

I do not need to elaborate on this ongoing national building and insurance scandal with this material.

D]. QUESTIONS.

UNRESOLVED QUESTIONS OF INTEGRITY AND ACCOUNTABILITY ON THIS PUBLIC ROAD GATING, SALE AND DISCONTINUANCE.

My first question on this public road application relates to the apparent appropriation and locking with an industrial steel gate, for a considerable period of time:

1. Can private organisations appropriate and lock- off public roads in prominent public places in Yarra City with **impunity**?
2. Is this supported by the **VCAT** Decision on the Hospital development?
3. Can the Council clarify the road is not **crown land**?
4. Who **initiated the construction** of this locked gate?

5. Who is **responsible for allowing this appropriation and installation** of a locked gate on this public road?
6. What **negotiations and trade- offs** could be considered in alleviating this winner- takes- all approach to **heritage loss** and development in terms of protecting heritage registered sites by further conservation negotiation?
7. **What improved trade-offs and requirements can Council achieve, in any further design brief/changes for enhancing the pilgrimage function of the Mackillop birth place or is the Council powerless to salvage further concessions from the Roman Catholic Property Trust/ Archdiocese who sold the Mackillop birth place and also from the private hospital interests driving this development?**
8. **If Council allows the industrial gate to stay on this road**, what further guarantees and details can Council gain from the Roman Catholic Property Trust /private hospital applicant to properly preserve, restore and enhance these heritage sites **for present and future generations**, before any sale or discontinuance is finalised?
9. **What time period** has the public road been appropriated and locked with a steel gate?
10. How well is such **monitoring of public assets funded and supported** by Council or the State?
11. What **formal or legal, council process**, if any, allowed the gate to be constructed on this public road?
12. How often are Council and public assets such as public space, pocket parks, public lanes and roads etc, **inspected and maintained?**
13. To ensure the transparency of this sale and discontinuance process, when will Council order and supervise the **removal of this gate**, until this **pre-emption of the statutory process** is finalised?
14. How does Council prevent **adverse possession** of public land?
15. How does Council monitor the **time period for adverse possession?**
16. Who is responsible for **monitoring and protecting** public places and public road way access in Fitzroy and Yarra from opportunistic, improper or illegal appropriation?
17. As the lane provided rear or side access to State Heritage Registered sites; the former **Eastern Hill Hotel and Edensor/ Dodgshun House/Mackillop site**, heritage buildings on Victoria Parade and rear part of a hospital building; what fire and emergency access and due diligence has been undertaken to address this anomaly of closure of an important access way to multiple buildings including important heritage sites?
18. What **permits, planning or heritage**, were obtained to affix an industrial steel gate to the historic wall of a Victorian State heritage registered place?
19. Was **Heritage Victoria notified** of this gating?
20. When will the lane be restored to its **public road function prior to any consideration of the sale and discontinuance?**
21. How is the Responsible Authority being **compensated** for this present loss/ appropriation through gating of a public asset?
22. What **valuations** were done to ensure the Council and ratepayers were compensated for such prime real estate?
23. Has St Vincent's Private Hospital been contacted to **assist inquiries?**

24. Does St Vincent's Private Hospital pay any Council **rates to Yarra City?**
25. If so what rating method is used?
26. If no rates are paid and the hospital has exclusive use of the lane, what **deterrence** is available to Council to recover **compensation** and prevent future opportunistic appropriation of public lanes and property?
27. What consideration or rent should/ have, been paid to Yarra Council [representing ratepayers] for this privilege of **exclusive use of a public road since the lane was locked and gated?**
28. **How would the rent be calculated/**
29. What actions have been taken by Yarra Council to recover the **rightful cost of appropriation** considering:
 - Unpaid **back rent** from the exclusive appropriation of a public place, property or road to the detriment of public ownership and access?
 - The **loss to present and future generations from the development disregard for Fitzroy heritage places and Victorian State Registered sites.**
30. What is the **sale price** of the lane?
31. Will there be a public sale tender?
32. What is the **valuation** of the lane?
33. What is the **time frame for the archaeological survey, and how will it affect the timeframe for the sale and discontinuance?**

[Noted is the Supreme Court Hearing regarding gating of an historic public laneway between No 13 and No 15 Brunswick St; another example of alienation of an historic lane way and the disregard for Brunswick St public access ways, by opportunistic appropriation and disregard for public property.

As a former Fitzroy Councillor I spent some considerable time preparing notes of my understanding of this other lane way issue, to assist the Council prepare background briefing for the Supreme Court Case].

Appropriation of public land affects the body politic.

PLEASE NOTE:

- TO MY KNOWLEDGE ANY LATE REVISED HOSPITAL PLANS WERE NOT PUBLICLY RE-ADVERTISED BY HERITAGE VICTORIA FOR PUBLIC SCRUTINY
- **3 LATE DOCUMENTS/SUBMISSIONS** TO HERITAGE VICTORIA, WERE NOT PUBLICLY ADVERTISED FOR PUBLIC SCRUTINY AND SUBMISSION, see HV Decision, page 20, 24.
- IN CONTRAST WITH VCAT AUTOMATICALLY PROVIDING ITS FULL DECISION DETAIL ON THIS APPLICATION, HERITAGE VICTORIA REQUIRES A FURTHER **FOI PROCESS** TO OBTAIN THE DECISION DETAIL COSTING APPROX \$29 DOLLARS FOR PUBLIC SUBMITTERS.
- THIS PLANNING AND HERITAGE PROCESS INCLUDING THE ROADWAY RAISES ISSUE, RAISES MATTERS OF TRANSPARENCY AND ACCOUNTABILITY AROUND THIS DEVELOPMENT PROCESS AND HAS AN EXTREMELY DISCOURAGING EFFECT ON PUBLIC PARTICIPATION AND SCRUTINY.

I request to be heard on this matter at any Council Hearing under Section 223 [1] [a] [iv] of the Local Government Act.

Submitted by:

[REDACTED]

Gore St Fitzroy

3065

10/7/19

NOTE OF EXPLANATION ON ATTACHED KEY DIAGRAMS TO EXPLAIN ATTEMPT TO DOWNGRADE THE MACKILLOP SITE TO 'LITTLE OR NO SIGNIFICANCE' TO FACILITATE EXCAVATION AND DEVELOPMENT AND ROADWAY SALE AND DISCONTINUANCE.

EDENSOR [DODGSHUN HOUSE] SITE.

1. Figure 77. Page 87, **Edensor 7-9 Brunswick St Conservation Management Plan Lovell Chen October 2012 Finalised October 2016**

In this illustration the space occupied by the **bitumen carpark** is actually part of the original birth place allotment of Mary Mackillop as recorded in the Memorial No 1429 of land owned by Alexander Mackillop at the time of Mary's birth.

It has been downgraded to '**Little or no significance**' by the change in colour coding in the **EDENSOR Conservation Management Plan, despite the Heritage Victoria Citation as 'Significant'** for the whole Dodgshun House site on the Victorian Heritage Register database.

This downgrading in the CMP is despite the admission of no investigation in detail of social significance being conducted on Page 71 **para 4.3 Social Value**

What approved historical methodology was used to attempt this downgrade of significance?

2. **Heritage Victoria Register page 2-3**

HERMES ID448

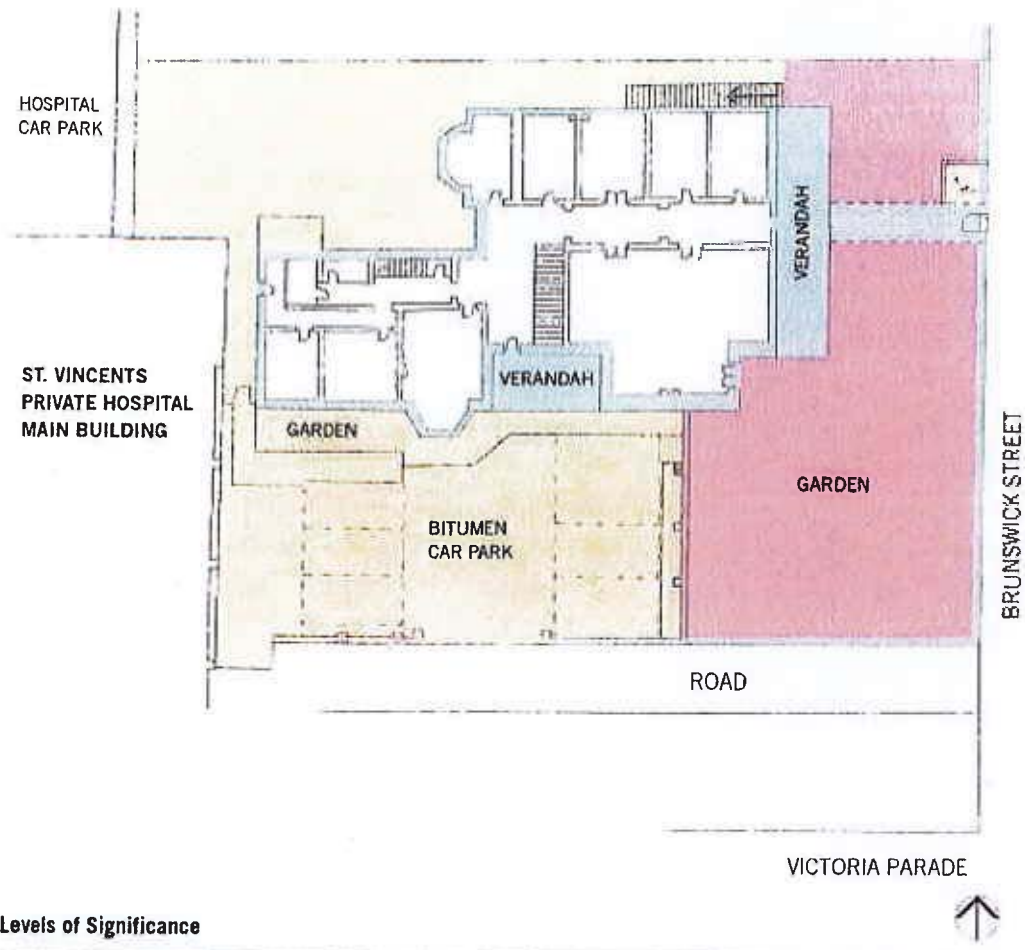
HERITAGE REGISTER NUMBER H1706

NAME: DODGSHUN HOUSE

This diagram simply illustrates that the whole site is registered as '**Significant**', **both land and buildings**, using the code **L** for land and **B** for buildings.

Council needs to examine the sequence of examination of heritage registered sites in Yarra.

Why was Heritage Victoria not prioritise.d as the first stage of examination in this application?



Levels of Significance

- Primary significance
- Contributory significance
- Little or no significance

Figure 77 Site plan showing levels of significance applied to the site as a whole including the exterior of Edensor.
Source: Base plan provided by St Vincent's Private Hospital.

Victorian Heritage Register



VICTORIAN HERITAGE REGISTER NUMBER: H1706

NAME: DODGSHUN HOUSE

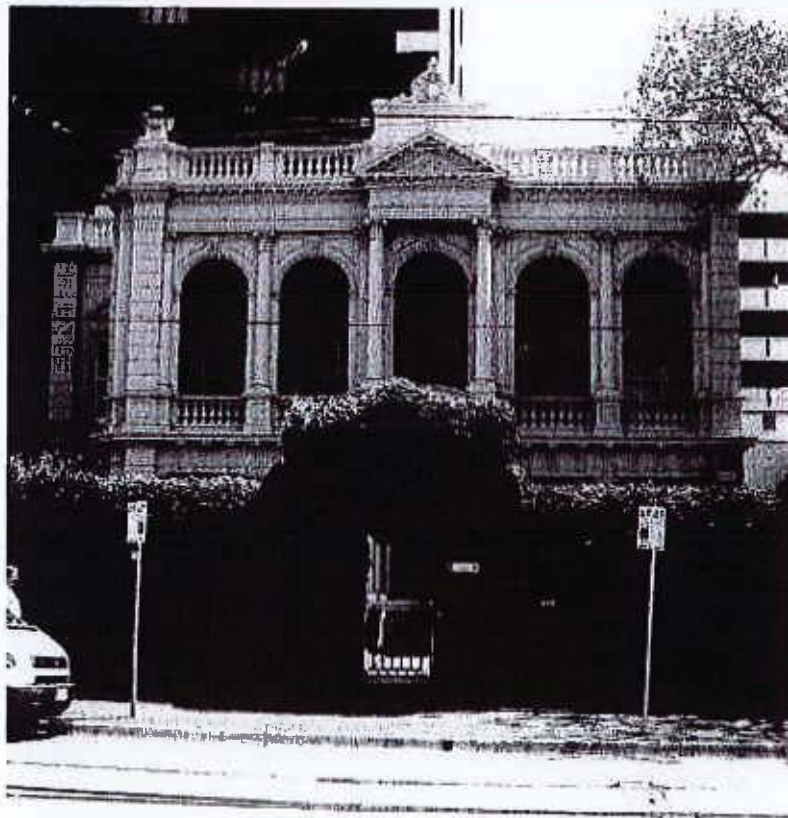
LOCATION: 9 BRUNSWICK STREET FITZROY, Yarra City

LOCAL GOVERNMENT AREA: YARRA CITY

CATEGORY: Heritage place

DATE REGISTERED:

FILE NO: 603463; HER/2001/000771; pl-he/03/0090



HERMES ID: 448

HERITAGE REGISTER NUMBER: H1706

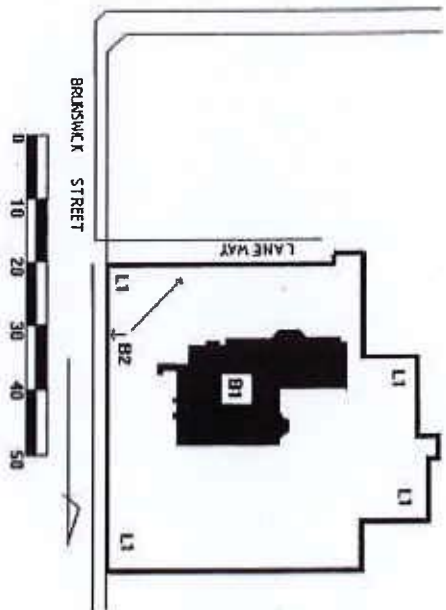
NAME: DODGSHUN HOUSE

03-Jul-2012 2:30:13PM

Page 1



- EXTENT:**
1. All buildings known as Dodgshun House, including the garden wall and gatehouse, being the buildings marked B1 and B2 on Diagram 603463, held by the Executive Director.
 2. All land marked L1 on Diagram 603463 held by the Executive Director, being all the land described in PS 318688K.



STATEMENT OF CULTURAL HERITAGE SIGNIFICANCE:**What is significant?**

Dodgshun House (formerly Edensor) stands on land first acquired by Sydney merchant Thomas Walker as part of a 25-acre allotment in May 1839. **Jane Minton**, who purchased part of the lot in 1840 and is believed to have constructed the first building on the site, sold part of her 1/2 acre to Alexander Mackillop, father of Mary Mackillop, in October 1849. The land bought by Mackillop contained a dwelling known as **Marino Cottage**. Mackillop experienced financial difficulties and sold the land to stockbroker Johnathon Burns Ware in 1842. Ware sold the land the following year to John H. H. Spencer and eventually the site was acquired c. 1864 by lawyer and politician, Samuel Gillott. At the time of Gillott's purchase the site contained a cottage known as Como. Gillott built a house called Edensor c. 1865 and in 1899 demolished Como to allow for a southern extension. The property was sold to the Victorian Eye and Ear Hospital in 1927 and became known as Dodgshun House from that time on. Gillott enlarged a 3 room brick dwelling on the site to nine rooms c.1865 and extended again in 1899 to create a 13 room residence. The rendered Italianate facade is believed to have been added in the mid 1870s and in 1899 the side wing and rear extension were added by architects Hyndman and Bales. The two storey villa has a symmetrically arranged facade and an arched verandah on the upper verandah and lower porch. Balustrading is present on the first floor level and the central doorway is crowned by an entablature. The high brick wall, which runs the length of the Brunswick Street frontage and along the southern boundary fronting the laneway, was constructed during Gillott's occupation and now incorporates a 20th century gatehouse.

How is it significant?

Dodgshun House (formerly Edensor) and its surrounding land is of historical, social and architectural importance to the State of Victoria.

Why is it significant?

The site on which **Dodgshun House** (formerly Edensor) now stands is of great historical and social significance as the birth place of **Mary Mackillop**. **Mary Mackillop**, later pronounced **Blessed Mary Mackillop**, was born at 9 Brunswick Street, Fitzroy, in 1842 to Alexander and Flora (nee MacDonald) Mackillop, Scottish Catholic emigrants. **Mary**, the first of eight children, was born at Marino Cottage and lived there with her parents until Alexander Mackillop's plunging fortunes necessitated the sale of the cottage and land to **Johnathon Burns Ware**, the founder of J.B. Ware and Son. In 1866, at the age of 24, **Mary Mackillop** established the first Josephine school in Percola and by the time of her death in 1909 at the age of 67 had instigated a 650 strong order, retaining over 12,000 children through her Australia. The beatification of **Mary Mackillop** occurred in 1995 when Pope John Paul II pronounced her to be "Blessed", the final stage before sainthood. While **Marino Cottage** has long since disappeared, possibly incorporated into the fabric of **Dodgshun House**, 9 Brunswick Street, Fitzroy, has become historically and socially significant as a site of great religious pilgrimage.

HERMES ID: 448

HERITAGE REGISTER NUMBER: H1706

NAME: DODGSHUN HOUSE

03-Jul-2012 2:38:17PM

Page 4

Dodgshun House (formerly Edensor) is of historical importance for its association with Samuel Gillott, a prominent lawyer and politician who was elected Mayor in 1900, holding office for two terms. In 1901, the year of Federation, Gillott was knighted by the visiting Duke and Duchess of Cornwall and York and his office distinguished by the title Lord Mayor. Gillott made 9 Brunswick Street his home c.1864, building Edensor to provide "all the convenience of a town residence combined with the quiet of a country house". The house, with its fence and gatehouse, is of significance as one of the few large residences surviving in the area.

Dodgshun House (formerly Edensor) is of architectural significance for its side elevation which is a fine example of late Classicism with a distinctively-composed series of bays. The house is a representative example of townhouse composition and is finely decorated. The house's significance is accentuated by the fact that the front fence is original and parts of the garden survive.

HERMES ID: 448

HERITAGE REGISTER NUMBER: H1706

NAME: DODGSHUN HOUSE

03-Jul-2012 2:30:13PM

Page 5

THE AGE

Established in 1854

A saint for many, a great Australian for us all

Mary MacKillop's canonisation tomorrow should be celebrated by believers and non-believers alike.

THERE is, by its very formality and austerity, a natural remoteness to the process that tomorrow morning culminates in the canonisation of Australia's first Catholic saint. At some time after 10am, at a ceremony in St Peter's Basilica, Rome, Pope Benedict XVI will pronounce the official formula of canonisation, thereby declaring and defining Mary MacKillop, along with five others — two Italians, a Canadian, a Pole and a Spaniard — "to be honoured devoutly among the saints".

It is rightly a solemn moment, but a joyous one, too, and should well be celebrated as well as commemorated. This represents the fulfilment, for many thousands of believers from various parts of the world, of various journeys of hope and faith that began many years — in some cases, many centuries — ago. Many are called, but relatively few are chosen, and the Catholic Church can be exactly slow with matters of beatification and canonisation.

For Mary MacKillop (1842-1909), the founder of the Sisters of St Joseph of the Sacred Heart, the path to becoming Saint Mary of the Cross, as she will be known, has been just as protracted and labyrinthine. As she lay dying, she was blessed by the Archbishop of Sydney, Cardinal Moran, who said, "I con-

sider I have this day assisted at the deathbed of a saint." What the archbishop said in a prescient sentence has taken just over a century of lengthy paragraphs and elongated chapters to achieve. Mother Mary's canonisation process began in 1925, was suspended six years later, and continued in 1951; it was not until 1971 that the Vatican accepted her cause for beatification; the first miracle attributed to her intercession was formally accepted in 1993; two years later, she was beatified by Pope John Paul II in Sydney; last December, the second miracle was accepted; and, in February, Pope Benedict XVI announced Mary was to be canonised.

More than 8000 Australians have made the pilgrimage to Rome for tomorrow's ceremony, in addition to the dignitaries and senior clergy who will attend: among the concelebrants will be the Catholic archbishops of Sydney, Melbourne, Adelaide, Brisbane and Perth. It might be easy, amid the splendour on show and declarations given on a late October morning at the Holy See, to regard the canonisation as primarily a Catholic event; something so bound up in spectacle, dogma and miracle-workings as to be exclusive to the faithful and not within the domain of the agnostic. But this would be an unnecessarily simplistic view of some-

thing that, in fact, reaches beyond a particular church to affect the wider community, whatever their creed or beliefs.

Late last year, when it became clear that Mary was to become this country's first saint, *The Age* pointed out that religious tradition should not, and does not, threaten Australia's secular status; we have no legal establishment of religion, and, in fact, freedom of religion is an individual right provided for by the constitution. Yet, in terms of fundamental belief, Australia has become a more diverse society without becoming a less cohesive one. Therefore, there is place for tolerance, if not belief.

Just as the Mary MacKillop website maintains that the faithful of today "are as much a part of the canonisation as the person who is being recognised", there is also

sufficient argument to include in this number the millions of others who know Mary just by her name. For her story certainly transcends religion, to

embrace human values that are as quintessentially Australian as the redgum carved from a fence post that forms Mary's cross-shaped reliquary to be carried to the altar of St Peter's tomorrow.

It was Mary's indomitable Australian character and her no-nonsense approach to life ("Never see a need without doing something about it," was her catchcry), which defined her as a woman, as a nun, and now as a saint.

She was not holier-than-thou, but down-to-earth — a pioneer in bush education, who was often in conflict with the church, but never afraid to tackle issues when they emerged. For example, her brief period of excommu-

nication, after some of her nuns reported a paedophile priest, carries an unfortunate contemporary stigma.

As *The Age's* religion editor Barney Zwartz wrote of Mary yesterday, "She reflects what Australians flatter ourselves are our national virtues: practical and compassionate, patient, yet active in adversity, defiant against injustice, champion of the fair go."

While it might go too far to call her "the people's saint", there is, in truth, an element of the ordinarily popular about this woman, exemplified in the stained-glass window in St Ignatius Church, Richmond: this is no St Joan of Arc, brazen with sword and shield, but a figure of slighter build, in a green dress, whose demure countenance conceals fortitude, selflessness and courage.

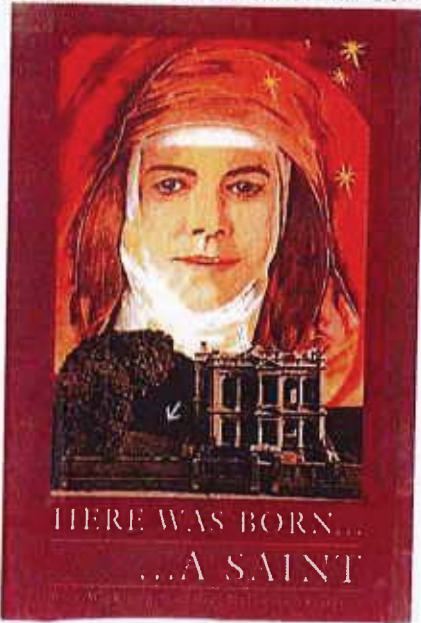
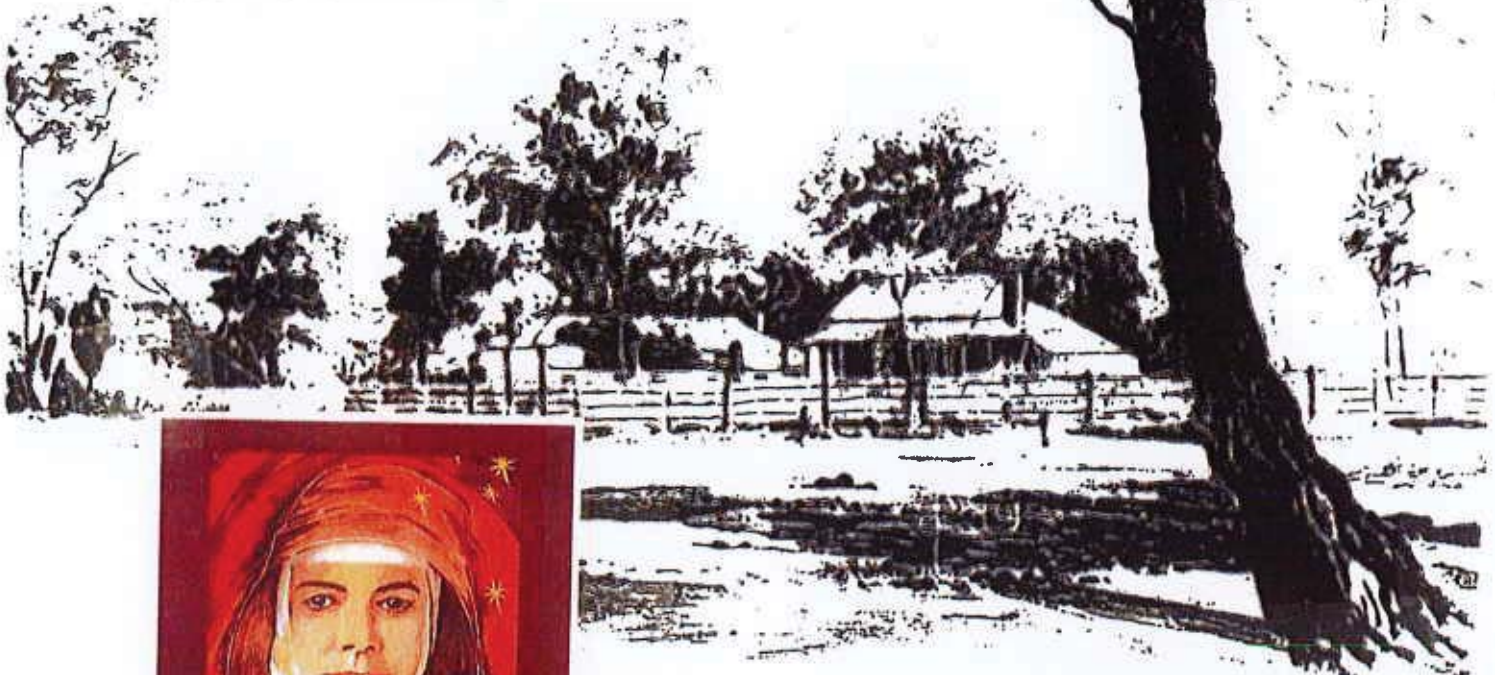
Tomorrow will bring canonisation, the highest acknowledgement the Catholic Church can offer. But even in secular terms it is a recognition of an extraordinary life. In order to appreciate Saint Mary of the Cross, it is not necessary to believe in miracles or, indeed, in God. All that is required is an understanding of what it takes to achieve great things and, in the process, enrich lives. Mary Helen MacKillop, a saint in 22 million, remains a great Australian and an inspiration to us all.



CITY OF YARRA
24 JUL 2019
RECEIVED

To Yarra City Council

Re: Proposed Road Discontinuance
5-7 Brunswick Street Fitzroy



Prepared by [REDACTED]

[REDACTED] Third Avenue

Chelsea Heights

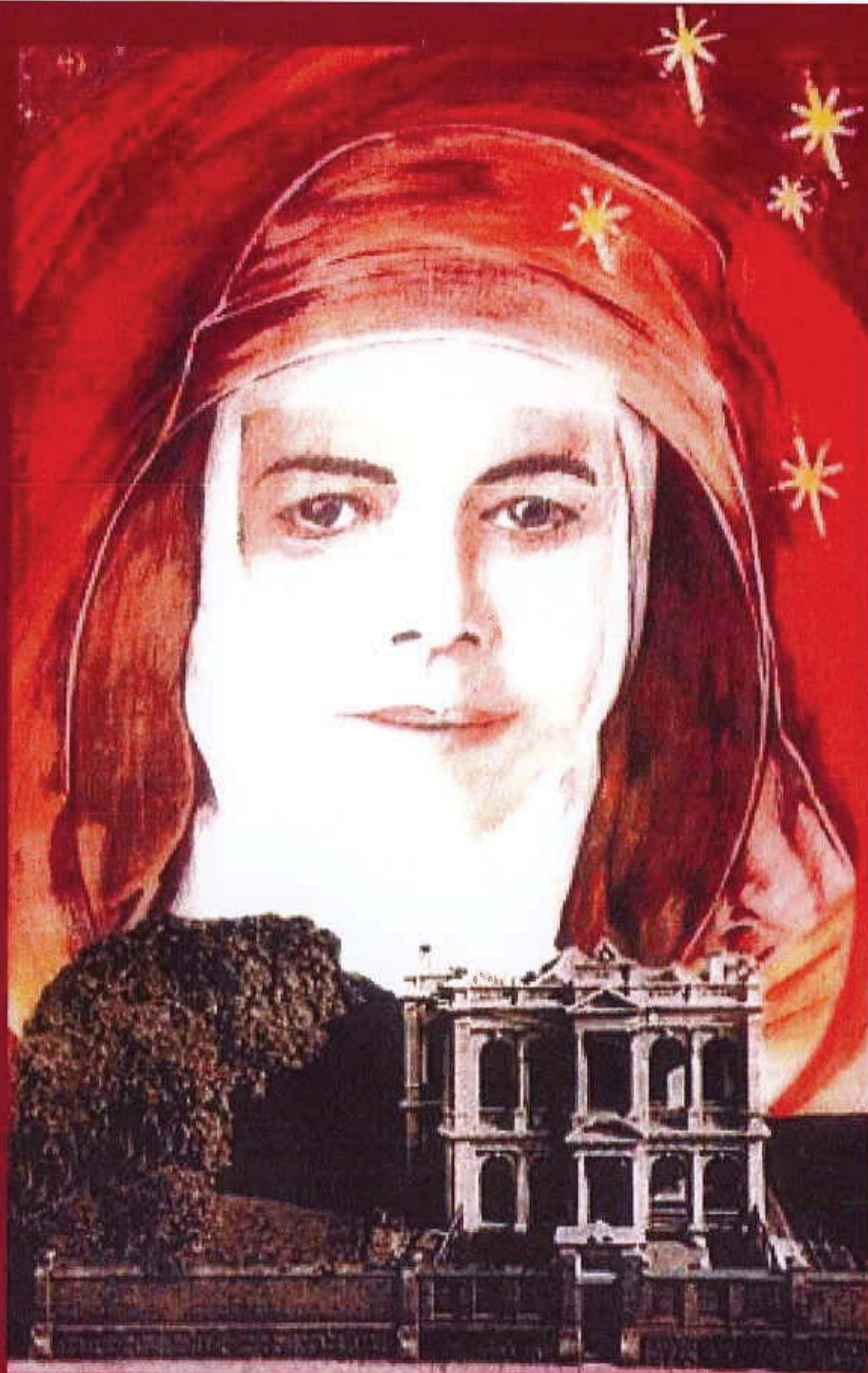
Vic 3196

Tel. [REDACTED]



Sub
11
A0729-000042
34
pages





HERE WAS BORN...A SAINT

Mary MacKillop Birthplace, Melbourne Australia

Contents:

Introduction

1. Scope of this Report
2. Aims Identified
3. Methodology
4. Findings and Implications
 - a. Location of Marino Cottage
 - b. Birth-site Allotment & Laneway Definition
 - c. Conclusion

Attachments:

1. Birth-site allotment and laneway area plans to reduced common scale: 1mm = 1 imperial foot
2. Concept sketches
3. Sketch workings of Marino Cottage and Minton Cottages plans and elevations to common scale
4. Derived front elevation of Marino Cottage at enlarged scale
5. Area plan to 1:480 Scale showing memorial line
6. Printout of Sarah Susanna Bunbury painting 'Newton – from out house – April 1841 – Towards Melbourne' (Mitchell Library Sydney) – Showing Marino Cottage at time of MacKillop family occupancy
7. Printout of Sarah Susanna Bunbury painting – 'Brunswick Street – Newtown – from the front of our house – June 1841' (Latrobe Collection – State Library of Victoria) showing houses to the North of Marino Cottage
8. Print of (Sketch) from Mr. Darke's Cottage – Brunswick Street looking North about 1839 (probably 1840) by Robert Russell (State Library of Victoria H9301)
9. Overall area plans to common scale showing overlays of Marino Cottage and Minton Cottages in relation to assumed viewpoints of reference paintings together with marked copies of paintings

Introduction

Site importance

- Absolute uniqueness in Australia
- Non-transferrable authenticity
- The centrality of Marino Cottage as the focus of this significant site
- The fortuitous presence of Edensor Mansion as a protector of the more significant birth-site
- The birth-site as opportunity not obstacle
- Extent of survival from time of earliest European occupancy of site allotment definition and associated Right of Way (Laneway)

Site History

- Initial subdivision and construction of Minton Cottages and Marino Cottage
- Occupation of Marino Cottage by Alexander and Flora MacKillop (This is contemporary of the Bunbury reference painting) followed by birth of their daughter Mary (St. Mary of the Cross MacKillop)
- Reversal of fortune leading to loss of this house and perpetual financial insecurity of the MacKillop family (Never to own their own home again)
- Property on sold twice eventuating in purchase by Robert Downing (as possibly semi-derelict) cottage life extended as a shelter for Adams family (daughter and son in law of Robert Downing) then demolished c. 1855 and construction of Como Villa by Robert Downing over much of the cottage site
- Ultimate ownership of site acquired by Samuel Gillott followed by eventual amalgamation with northern allotment with demolition of Como Villa and extension Edensor Mansion over most of the northern edge of the birth-site
- Edensor property purchased and used by Royal Victorian Eye and Ear hospital as Dodgshun House and later leased by St. Vincent's Private Hospital
- Following Beatification of Blessed Mary of the Cross MacKillop, site purchased by Catholic Archdiocese of Melbourne for possible development of pilgrimage centre (not proceeded with)
- Proposed expansion of St. Vincent's Private Hospital. On receipt of Planning Permit property sold to St. Vincent's Private Health.

Threats to This Unique Site

1. Inadequate recognition of the prime spiritual importance of this site
2. Provision of non-authentic heritage memorials
3. Physical destruction and removal of much of the birth-site allotment itself (including the 'Footprint' area of Marino Cottage) and the historic contemporary Right of Way (Laneway)
4. Loss of clear boundary demarcation of the birth-site allotment and the contemporary Right of Way (The Historic Laneway)

Scope of this Report

- St. Vincent's Private hospital extension proposals submitted to heritage council. The heritage submission included mention of now St. Mary of the cross MacKillop history and Marino Cottage but in the absence of an identified definite location included minimal recognition proposals
- The prime significance of this site as a specific (not general) birth-site can only be within the Marino Cottage footprint. The heritage statement overwhelmingly was focused on the Edensor Mansion building together with some aspects of street scape 'frontage' to Brunswick street
- St. Vincent's private hospital proposals incorporation of the Laneway into the building site and demolition of most the defining birth-site boundary walls, it also extended the new building frontage to Brunswick street across the Laneway
- The St. Vincent's private hospital proposals included excavation and removal of much of the central portion of the birth-site allotment and of the entirety of the Laneway and to its immediate West
- Yarra City Council had proposed recognition of the site significance by renaming the historic laneway as Mary MacKillop Place
- The Laneway in its own right is of significant local history as possibly the oldest established laneway in the City of Yarra. It was established as a Right of Way concurrently within the original subdivision of the Minton property and construction of the Minton Cottages and Marino Cottage.
- Consideration of the options available to the Yarra City Council as the owner of the Laneway in regard to meeting the Yarra Council's own aspirations for recognition of the significance of this unique site include the implications of the St. Vincent's private hospital proposals. These include both possible building design and construction site access
- Also relevant is the establishment of the Australian Catholic University and the Mary MacKillop Square on the east side of Brunswick Street opposite the birth-site
- The Heritage Victoria requirement for proper archeological investigations of this site to establish significant archeological remains. Questions the need to be answered include:
 - How is this work to be carried out?
 - By Whom?
 - At whose expense?
 - To whom will it report?
 - How independent/unbiased?
 - And how is it to be informed?

Aims Identified

- Implementation of competent independent archeological investigation of the site
- Retention of the historic birth-site allotment and Laneway boundary definition
- Presentation and establishment of the location and physical characteristics of Marino Cottage including both footprint and spatial envelope and retention of the actual physical integrity of this site by restrictions of site excavation
- Facilitating the Marino Cottage footprint as an appropriate focus of the birth-site development as a unique authentic and perceptible place of national significance and a destination for possible spiritual pilgrimages (pilgrimages currently conducted elsewhere in Australia to sites associated to St. Mary of the Cross MacKillop these include Sydney, South Australia and Western Victoria)
- Consideration of the implications of the St. Vincent's Private hospitals proposals on the integrity of the birth-site
- Consideration of possible consequent amendments to the currently proposed St. Vincent's private hospital development to ameliorate perceived conflicts
- Consideration of the actual viability of the currently proposed St. Vincent's Private Hospital development in terms of compatibility of this development on this unique site and any alternative options including building design and proposed excavations.
- It should be noted that Marino Cottage is the ultimate true point of origin for any pilgrimage journey into the life of St. Mary of the Cross MacKillop with it owns special poignancy. St. Mary's death site and tomb in North Sydney is the other end of St. Mary's 'own pilgrimage'.

Methodology

- Analysis of any available contemporary illustrations of the birth-site (painting by Sarah Susanna Bunbury) in conjunction with available historical records and other materials and investigations by this writer and others including John and Christine Hancock, Louise Elliot and Mike Moore
- Production of all available relevant site and area plans to a unified common scale. The working scale determined as 1mm = 1 imperial foot
- Production at the adopted scale of outline plans and elevations of both Marino Cottage and the Minton Cottages based on Rate book descriptions, Maps and other available evidence by the writer and others
- Determination of the likely viewing points of the two attached Sarah Susanna Bunbury paintings and including also the Robert Russell sketch for compatibility
- Establishment of possible sight lines primarily from the southern most viewpoint towards the Mary MacKillop birth-site and checking compatibility between this painting and the other accumulated evidence

Findings and Implications

Location of Marino Cottage

- The derived location of and form of Marino Cottage is in conformity with general contemporary planning practices locating Marino Cottage in the exact centre of the birth-site allotment
- This location could possibly be further confirmed by the required archeological investigation but these investigations would also require interpretation of the intervening site occupation by Como Villa
- This siting of Marino Cottage has incompatibilities with current St. Vincent's Private Hospital proposals
- Retaining the proposed St. Mary of the Cross MacKillop memorial on the actual Marino Cottage footprint (the actual birth-site) would require expansion of the dedicated pilgrimage area to be subject to the proposed 200 year lease to the Catholic Archdiocese of Melbourne and could allow a revised pilgrimage access position from the South
- To allow further appreciation of this vanished cottage as the actual birth-site of St. Mary of the Cross MacKillop a fully Three-Dimensional 'Ghosting' of the Cottage could augment the cottage footprint and allow a full appreciation of the relationship between the cottage and the existing and proposed buildings on this site.

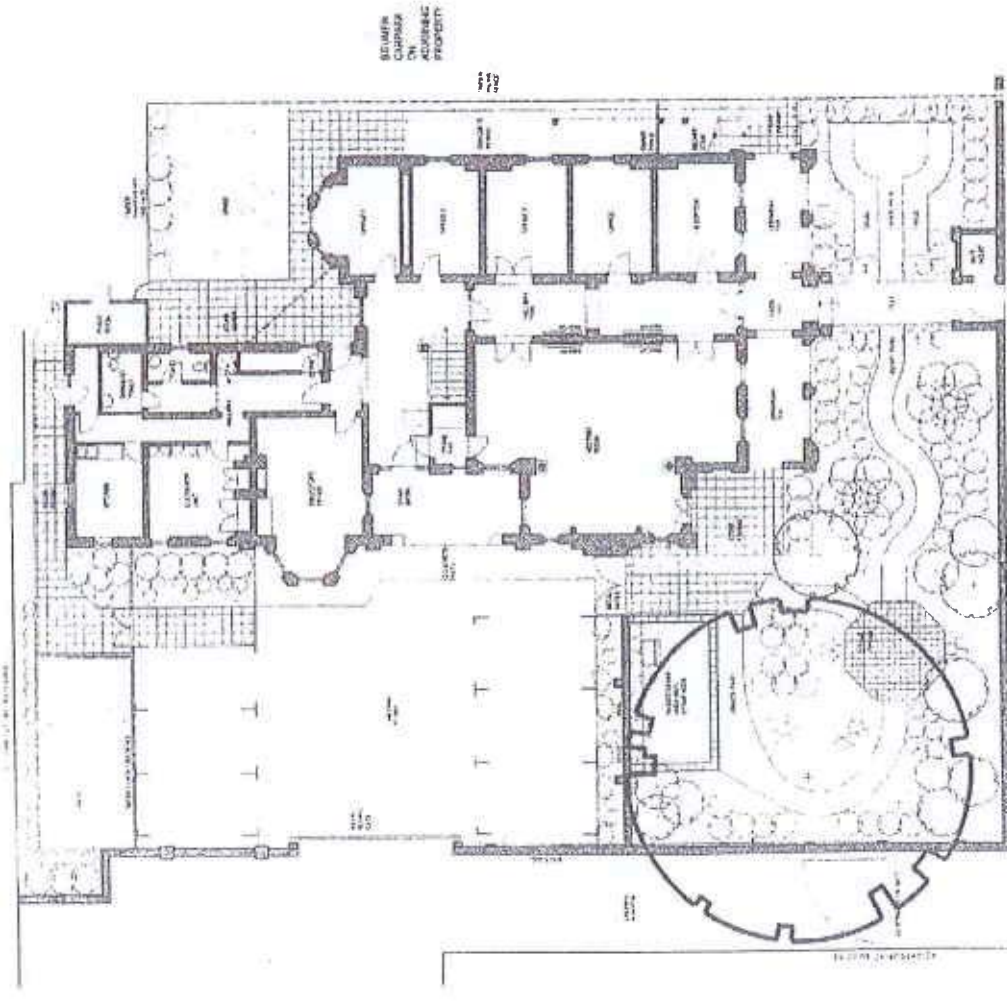
Birth-site Allotment and Laneway Definition

- Current proposals for public access to the birth-site are via a minimal remnant of the Laneway. The proposed development effectively closes the Laneway with the building line extended to the South of the proposed memorial gardens to the Brunswick Street frontage
- The proposed effective elimination of the Laneway as a defined entity also renders much of the birth-site allotment boundary completely obscured. Definition the Western Laneway effectively disappears
- Retaining definition of the birth-site allotment and Laneway would require some modifications to the St. Vincent's Private Hospital proposals.

Conclusion

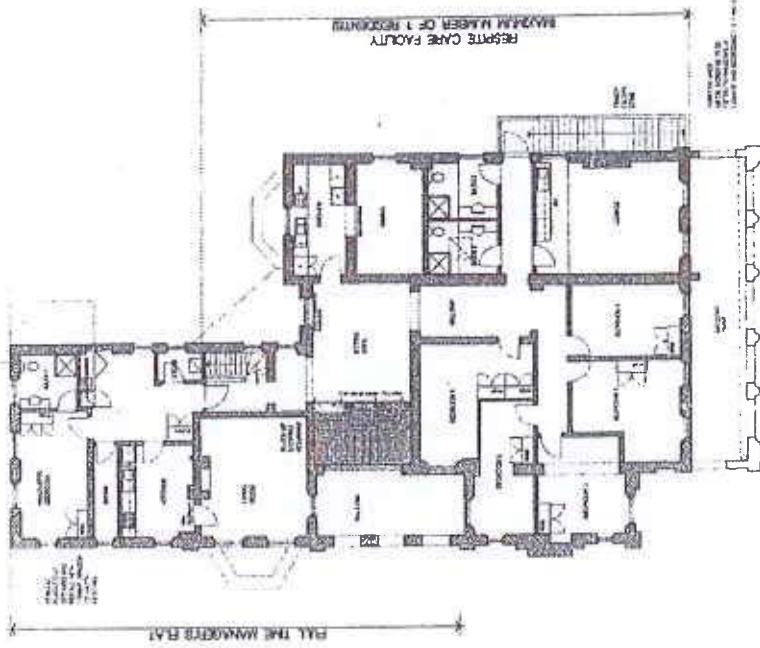
This presentation has focused on the establishment of the actual position of Marino Cottage on its original allotment served by the original Right of Way. It attempts to address the implications of this research in terms of the currently proposed St. Vincent's Private Hospital expansion. It also suggests possible modifications to the proposed expansion development to reconcile competing interests to fully achieve an optimal result for all parties involved.

If it transpires that the currently proposed works are not compatible with retention of the integrity of this unique site then other options for re-siting the St. Vincent's Private hospital extensions should be considered.



BRUNSWICK STREET

GROUND FLOOR
NOTE: NO ALTERATIONS PROPOSED TO EXISTING FLOOR



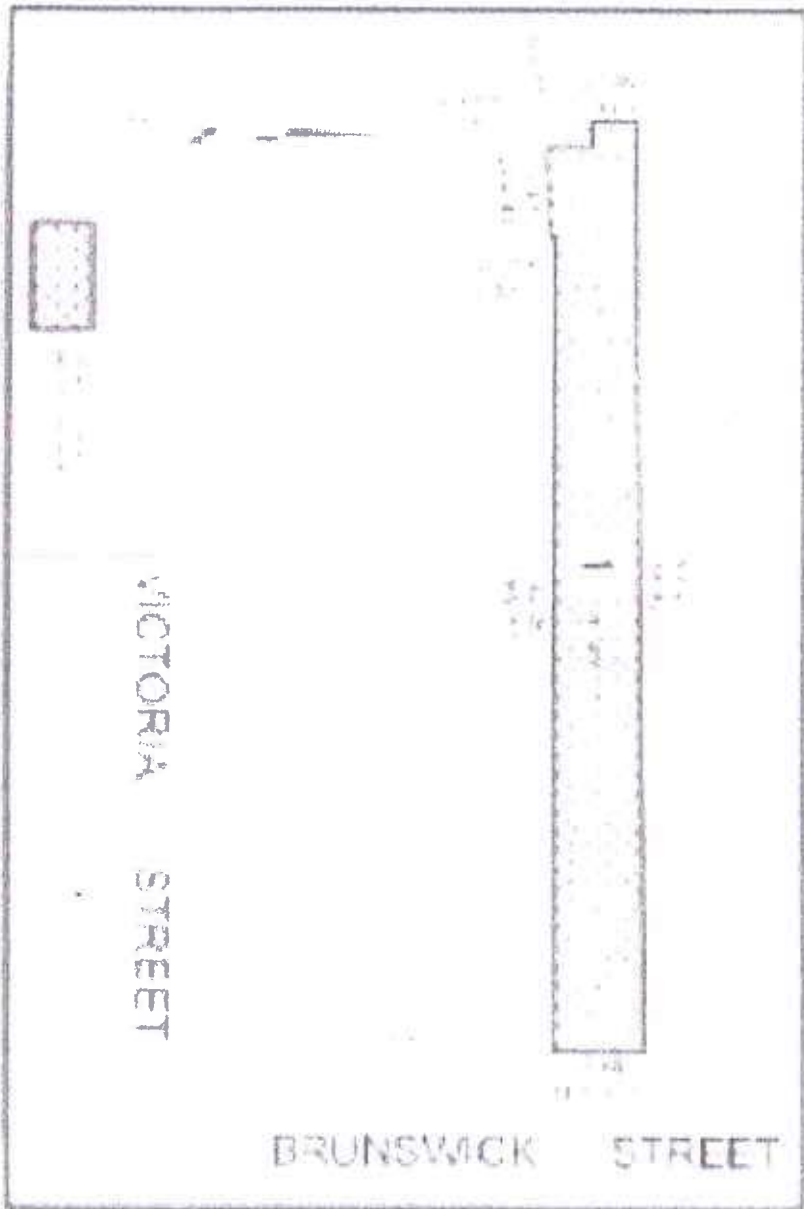
FIRST FLOOR

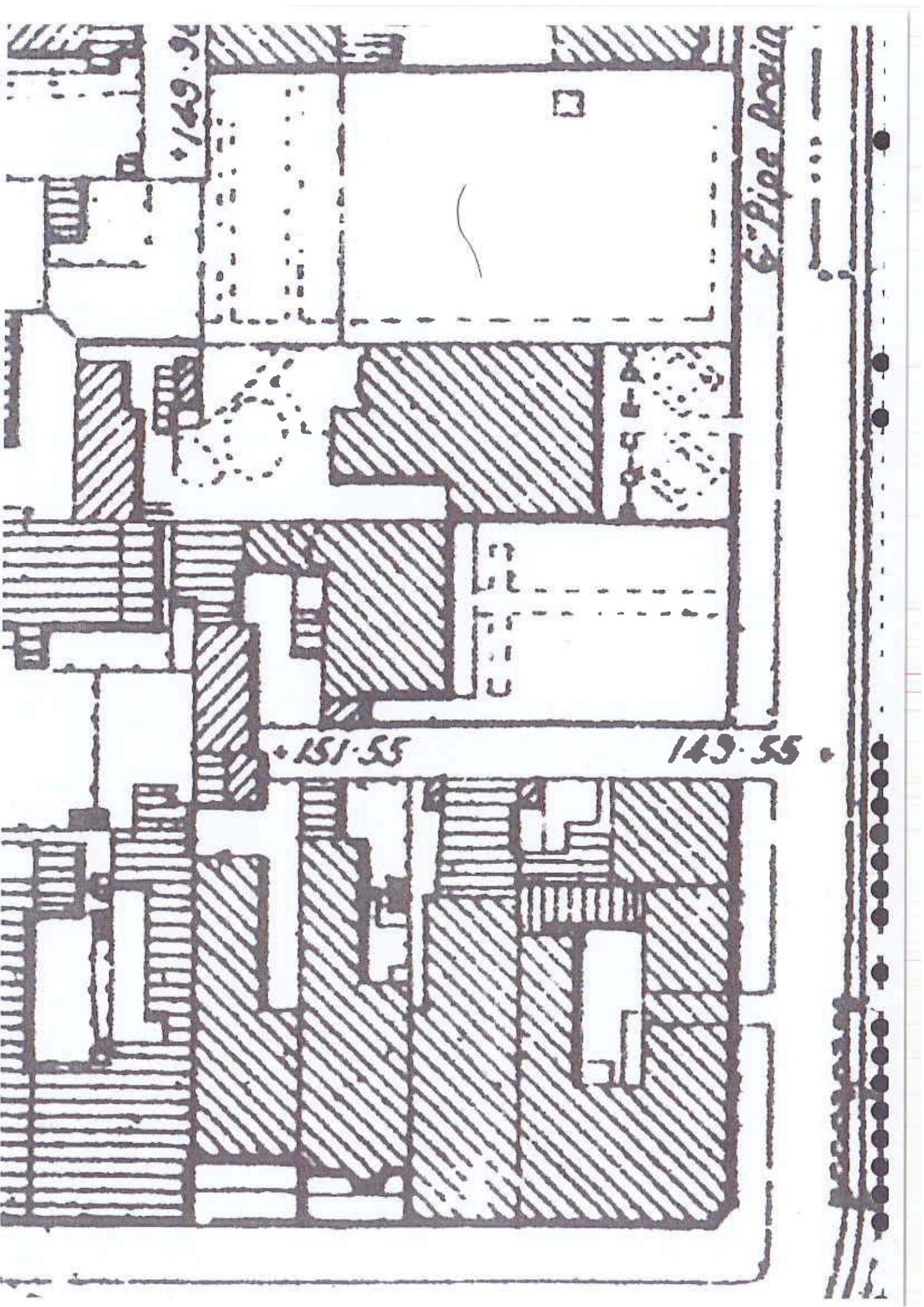
PROPOSED ALTERATIONS TO FIRST FLOOR
MARY OF THE CROSS CENTRE
CLARKE HOPKINS AND CLARKE ARCHITECTS
JANUARY 2001

0037
SK2a
30

20

96





149-55

6" Pipe Drain

S-S-P

151-55

149-55

copy 2

THIS IS *ORIGINALLY*
OF LATEST REV. T.

133
126

=

X 1.108

1.025 *

1.025 *

1.05

105066

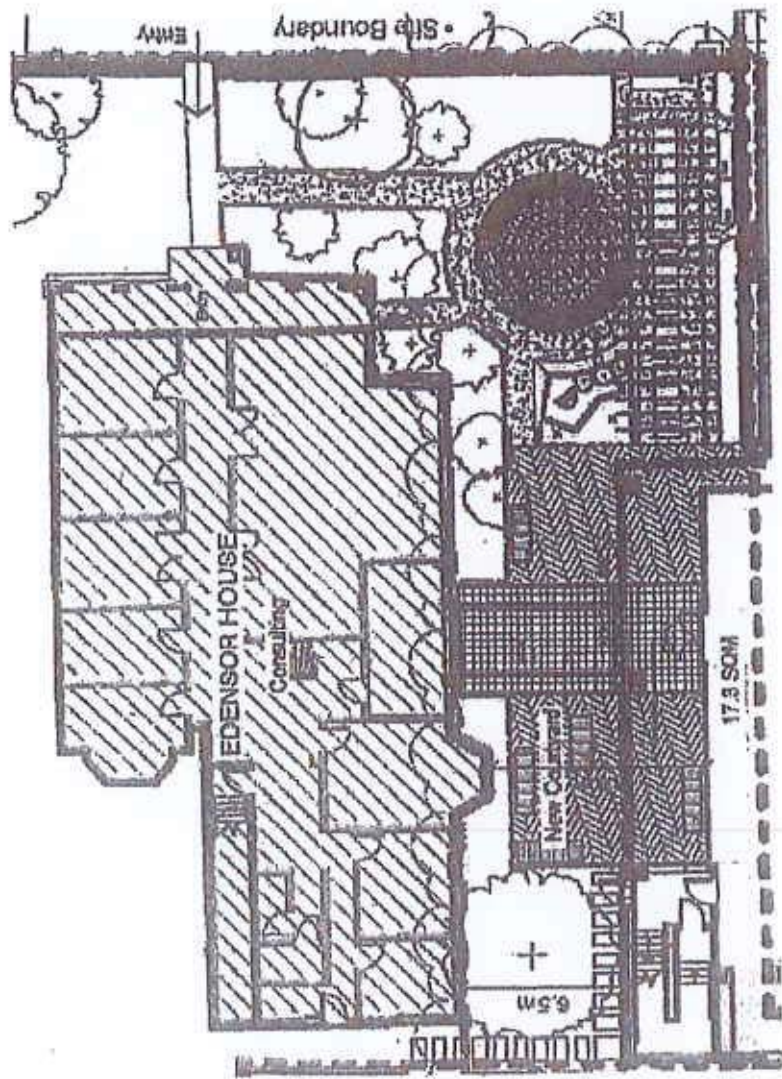
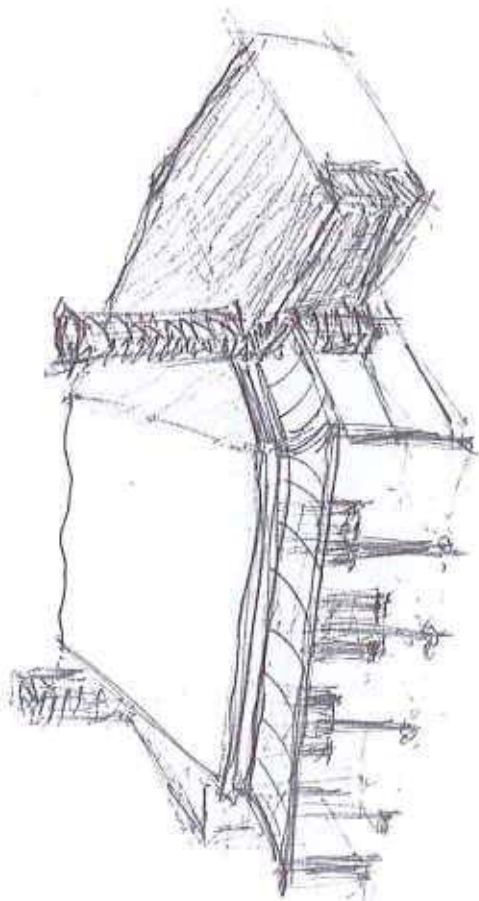
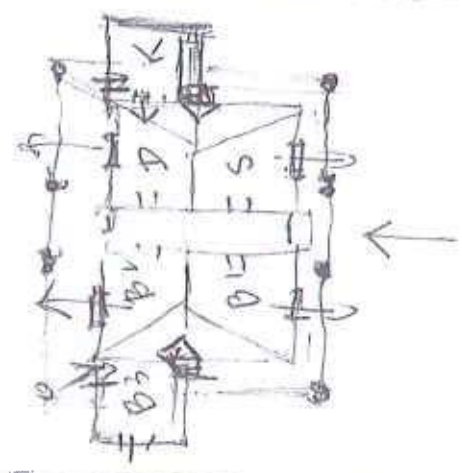


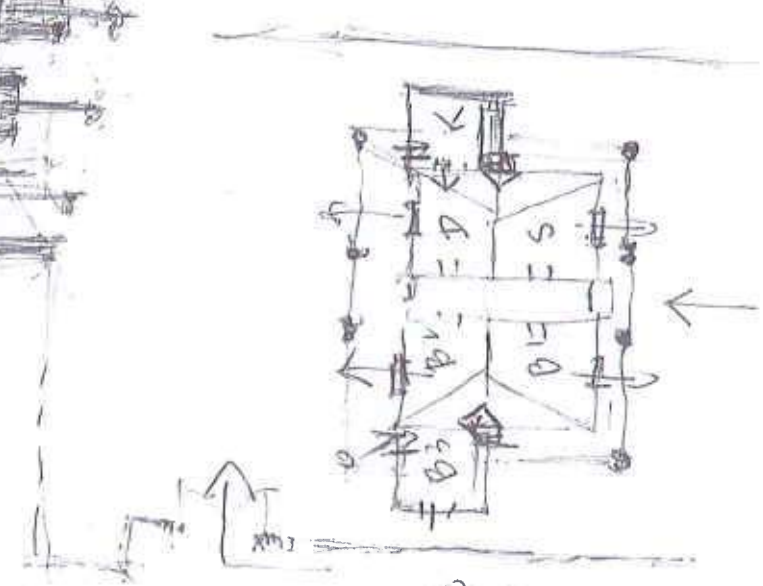
Figure 3 (above): Updated version (revision H) of plan at Figure 3 showing reorientation of the proposed three-level stair with no development cantilevering over the garden or retained garden wall. The proposed demolition of boundary wall to the southwest remains demolished as previously proposed. A new glass link is also proposed.

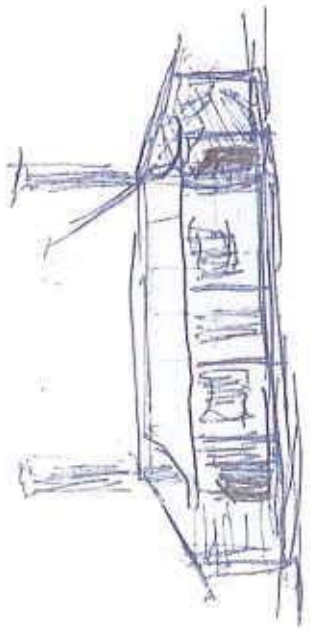


old hand
 screw
 + nut

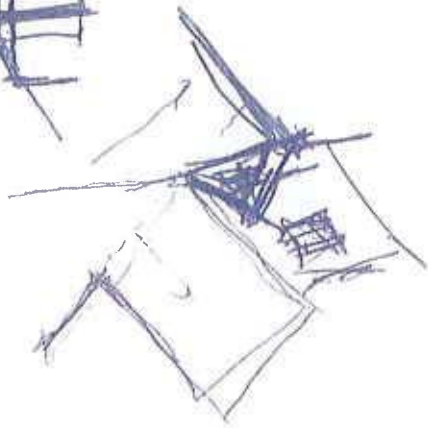
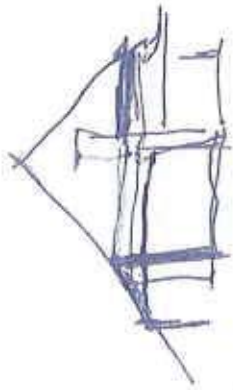
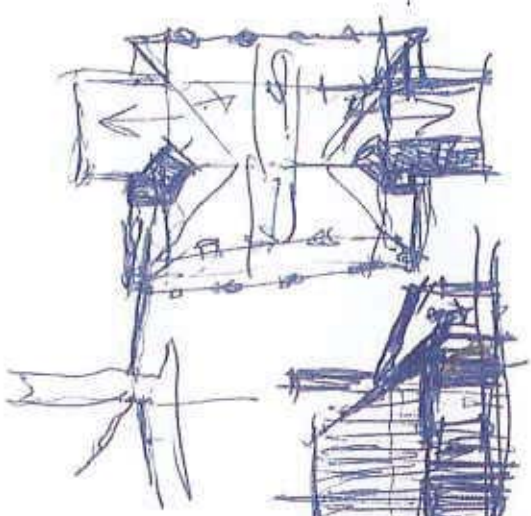


Row



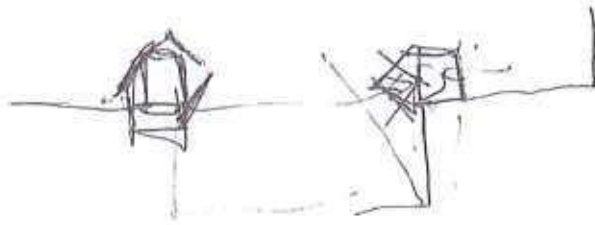


the

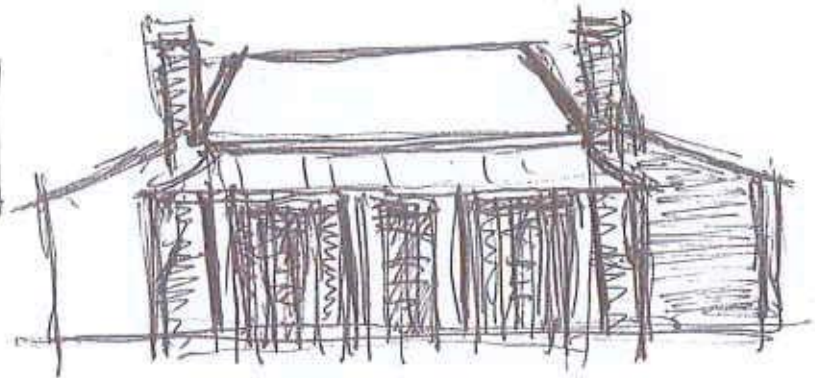
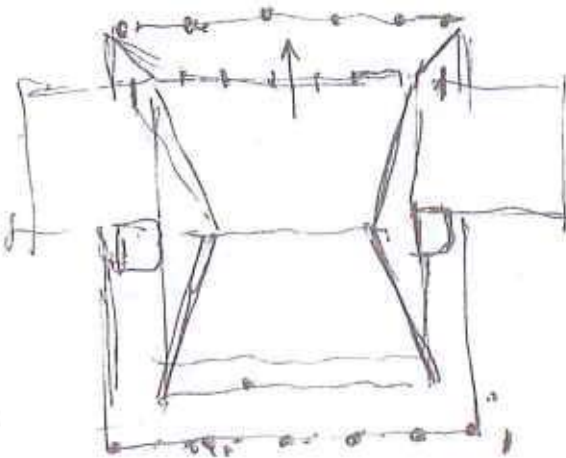
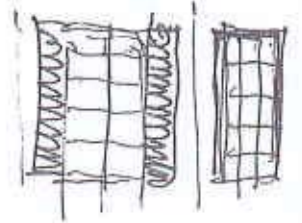
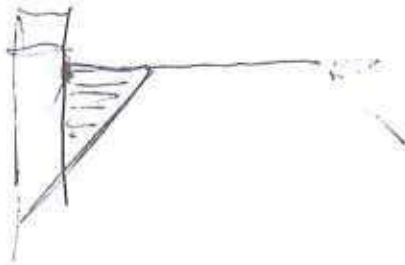


1223

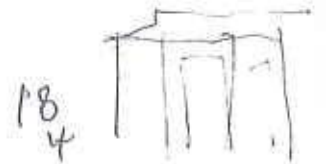
- 97827145 BUPA



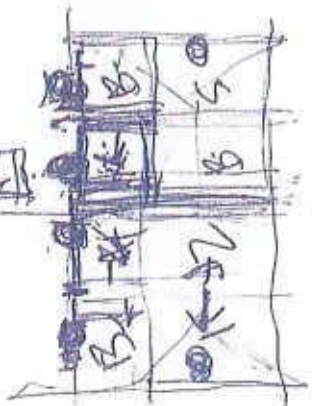
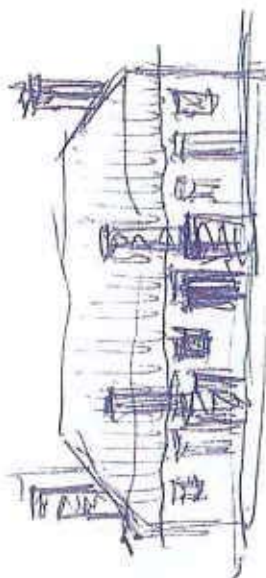
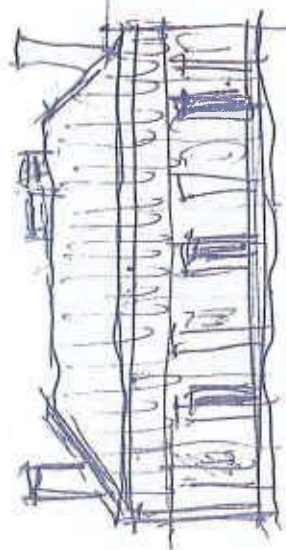
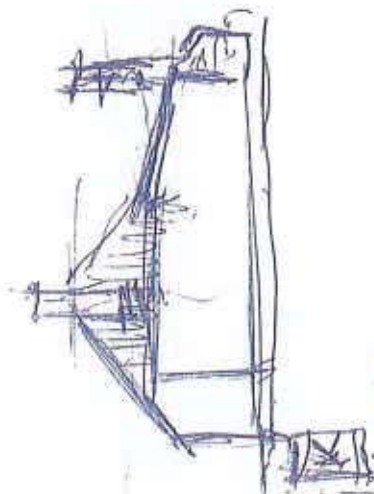
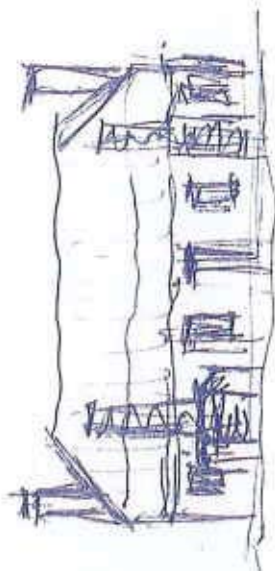
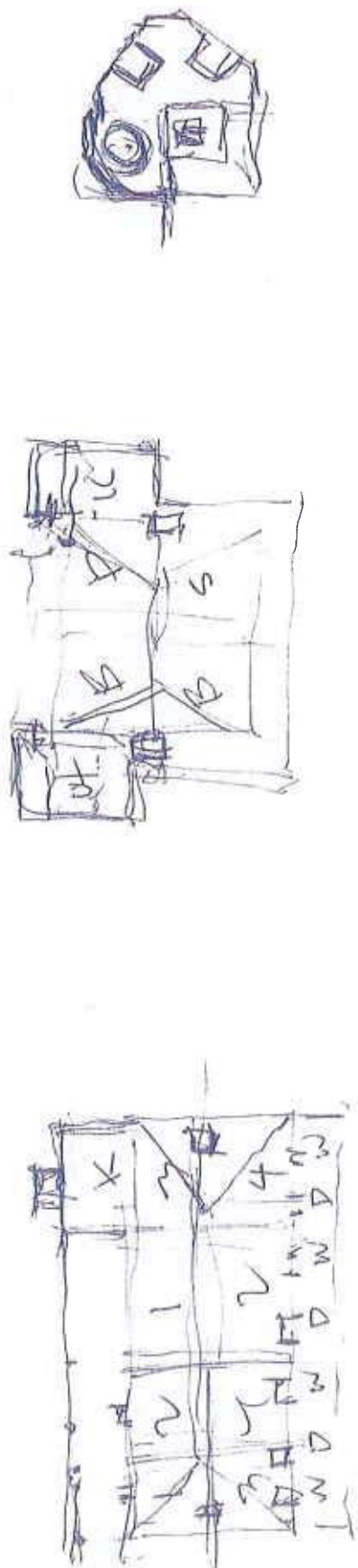
30



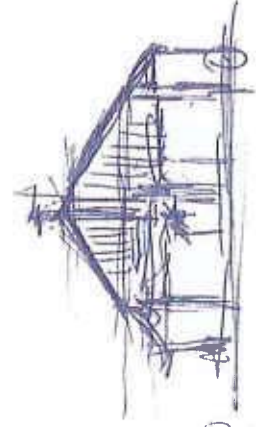
$$\begin{aligned} & \textcircled{3} \\ 5 & \quad 22 \quad 5 \\ & 32 \div 5 \\ & = 6 \end{aligned}$$



WALLS COTTAGE



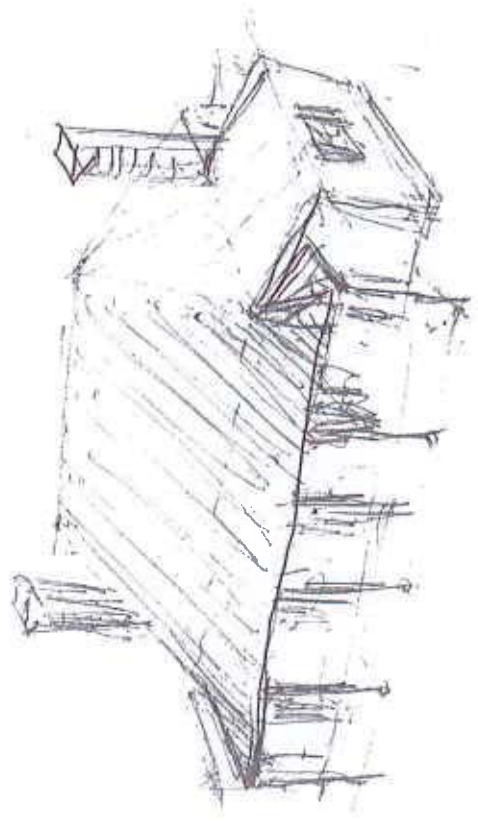
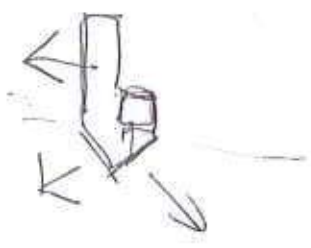
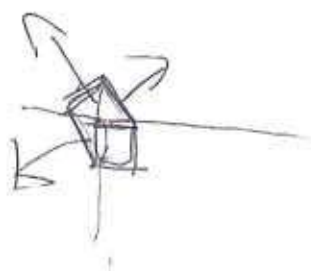
4. Plan



11-10

3.2334333

0 0 0 0 0



REAR VERANDA CHURCH 6 - 10

6
10

(2x6)
 $50' - 12 = 38'$
 $38' - 4' \text{ arch} = 34'$

allow 1' h wall thickness

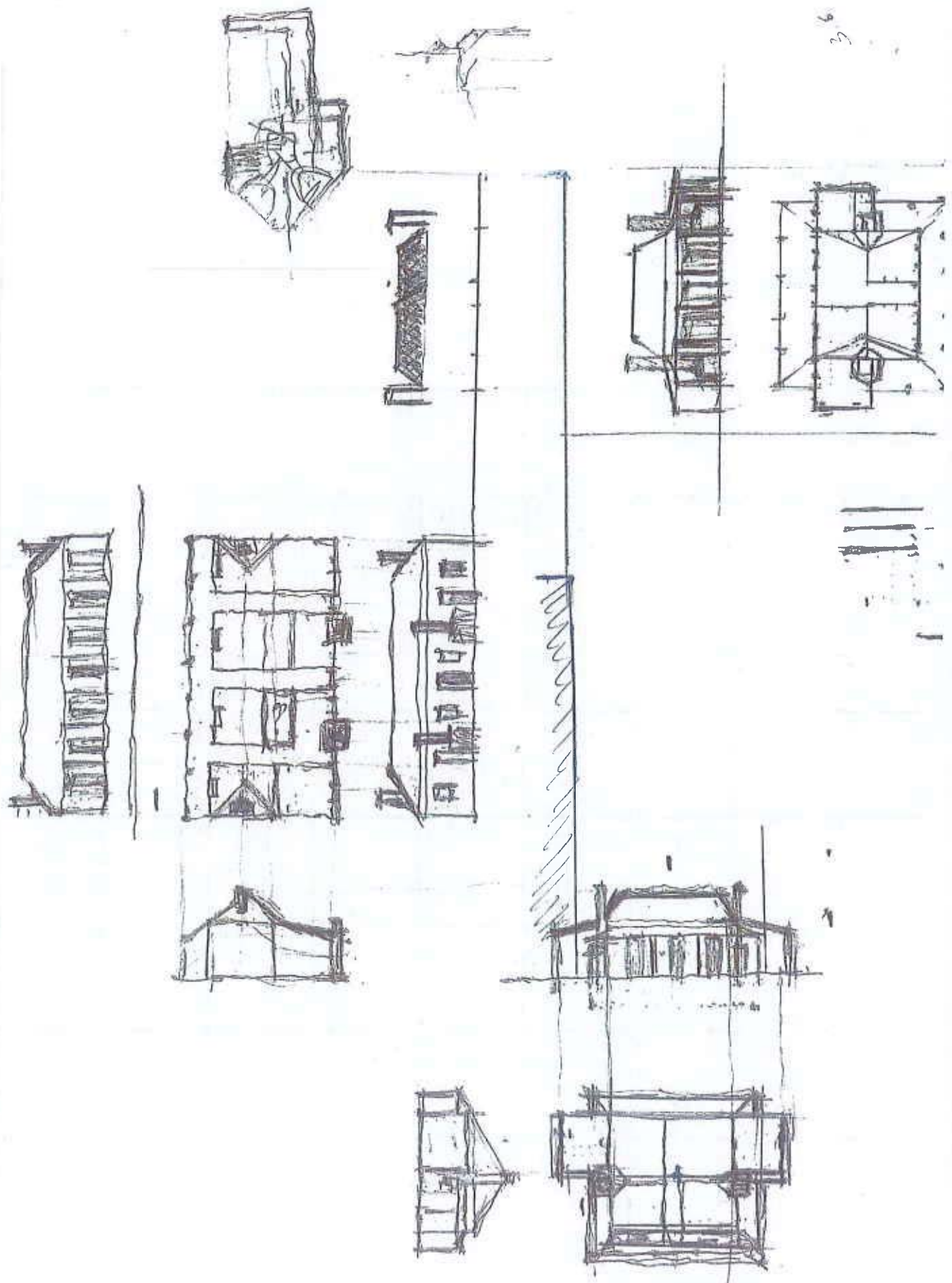


30

30
2

192
 likely Como Villa
 Footprint - overlaps
 in museum entrance

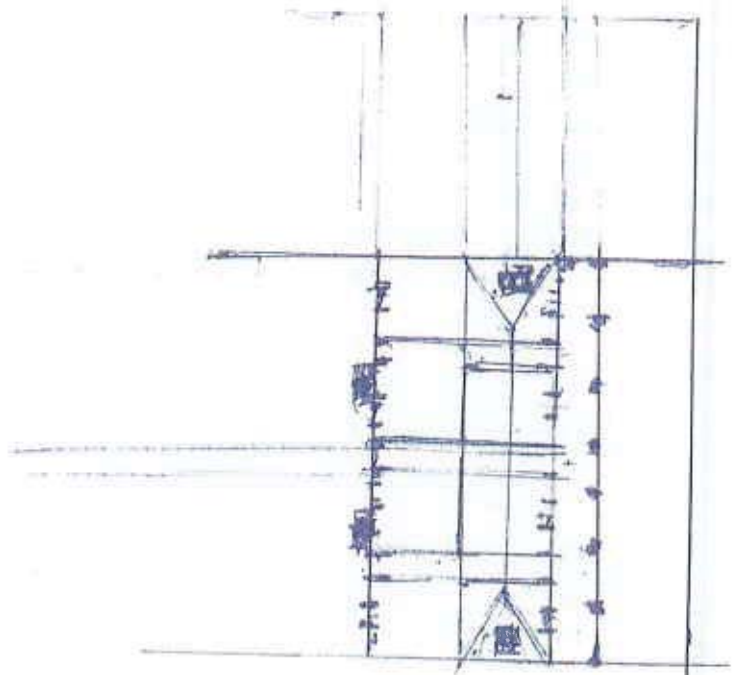
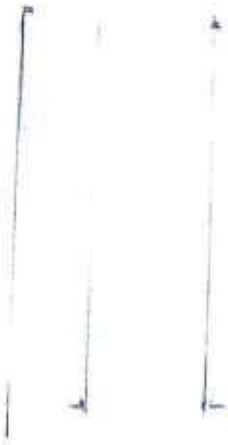


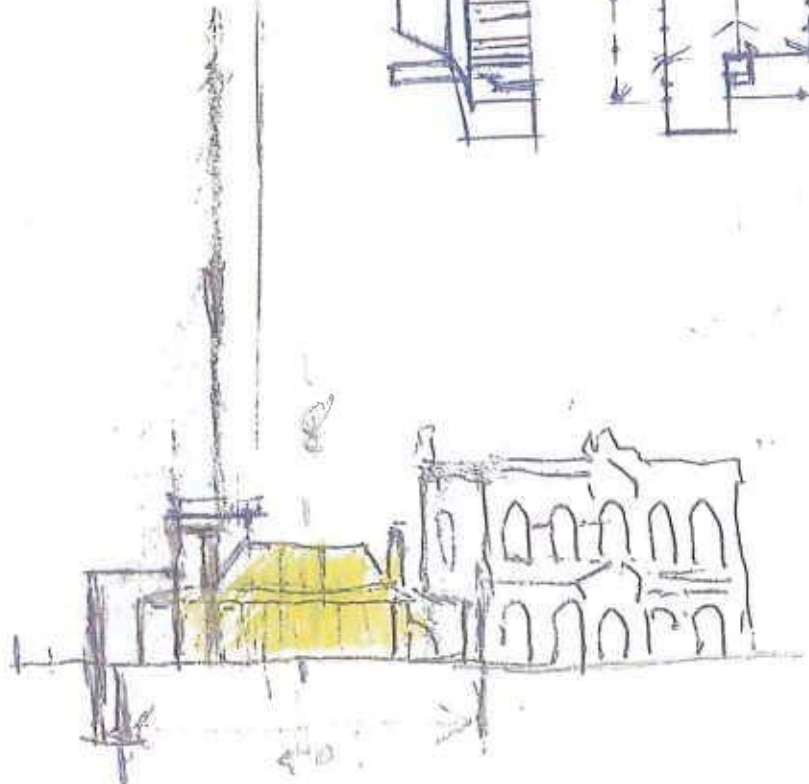
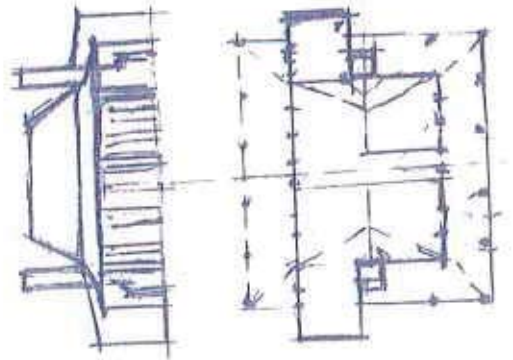
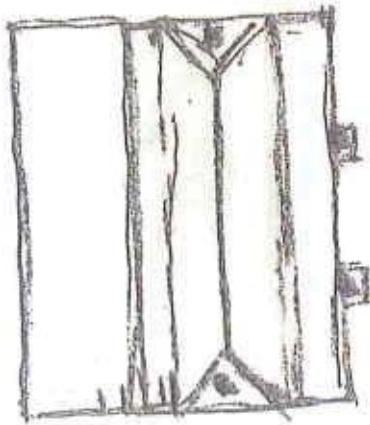
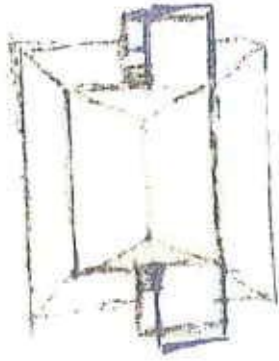


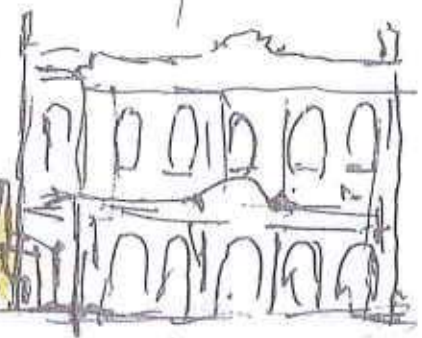
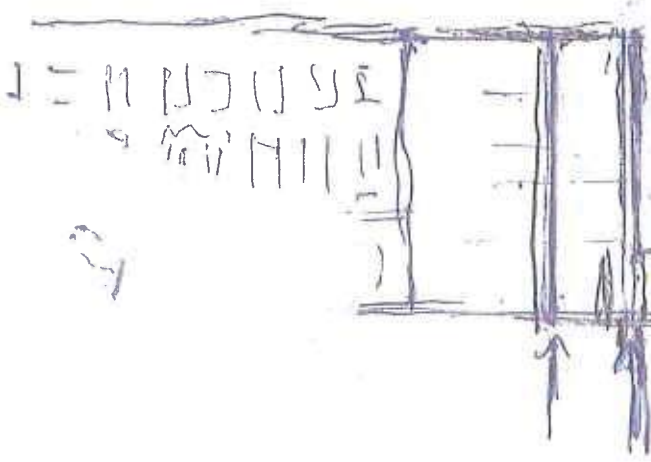
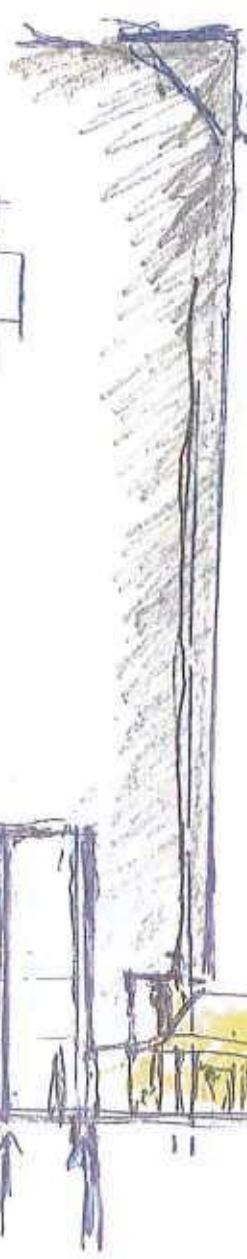
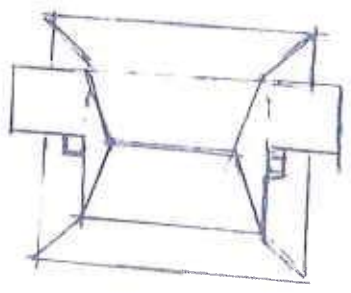
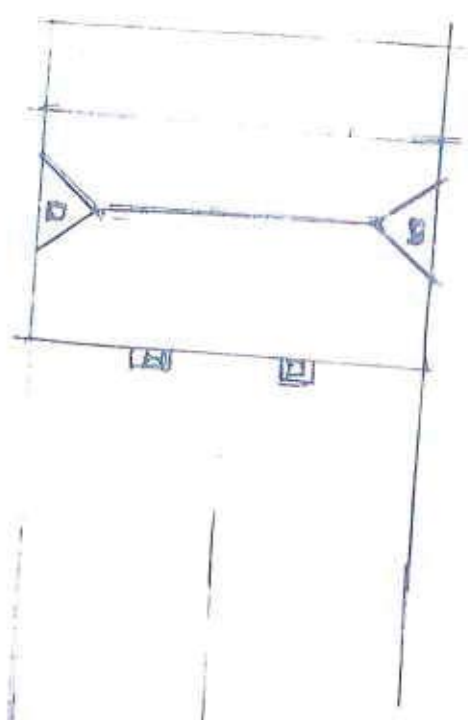
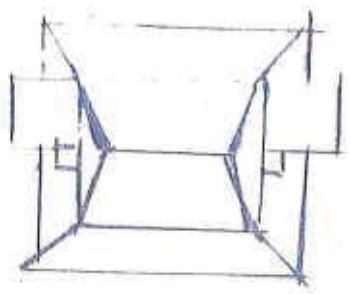
36

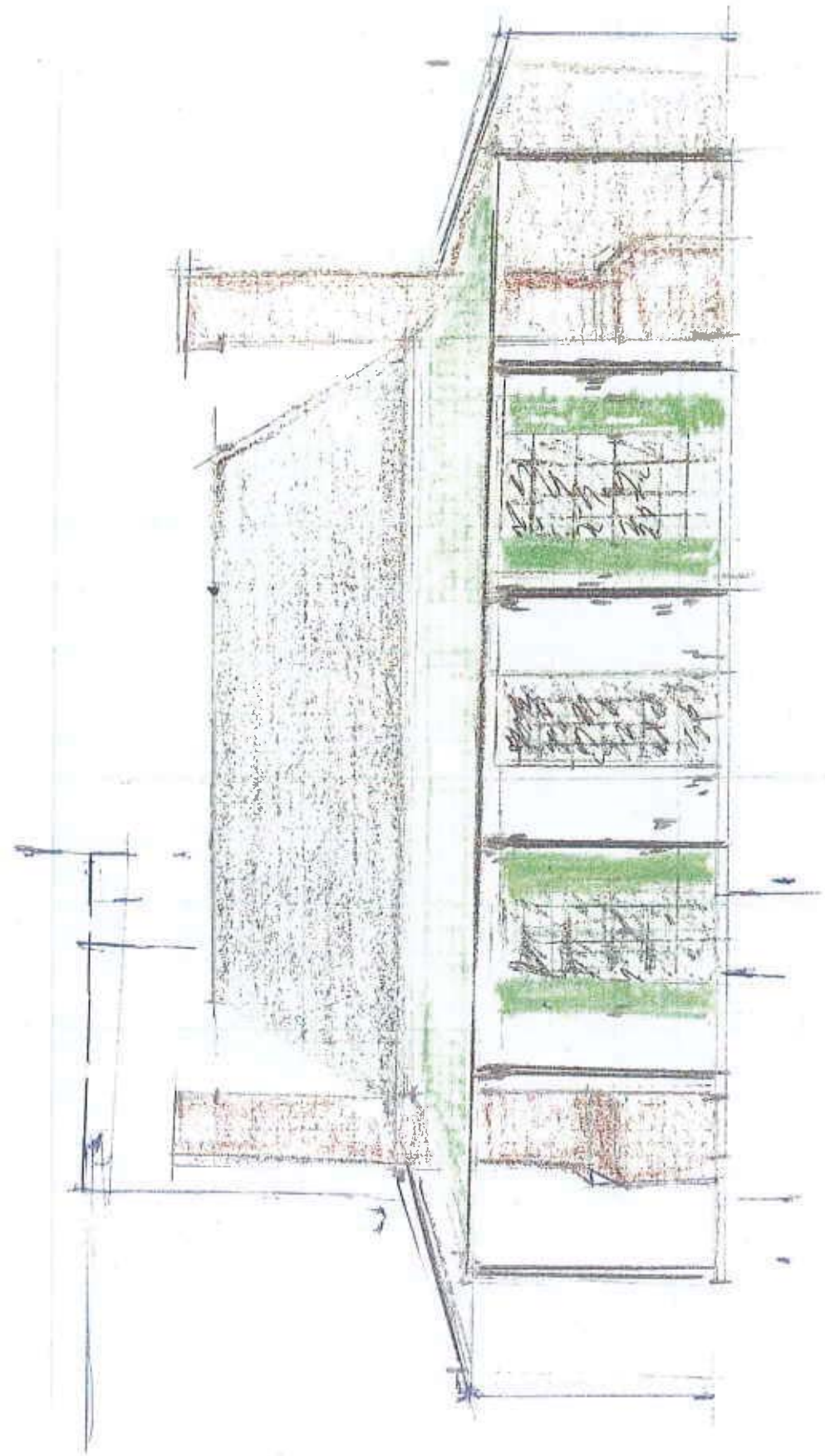
Assum
 4 Rooms + Kitchen
 = 1 Silly Room, 2 Beds, + 1 Box.

$$\begin{array}{r}
 24 + 9 + 9 \\
 = 18 \\
 \underline{24} \\
 42
 \end{array}$$





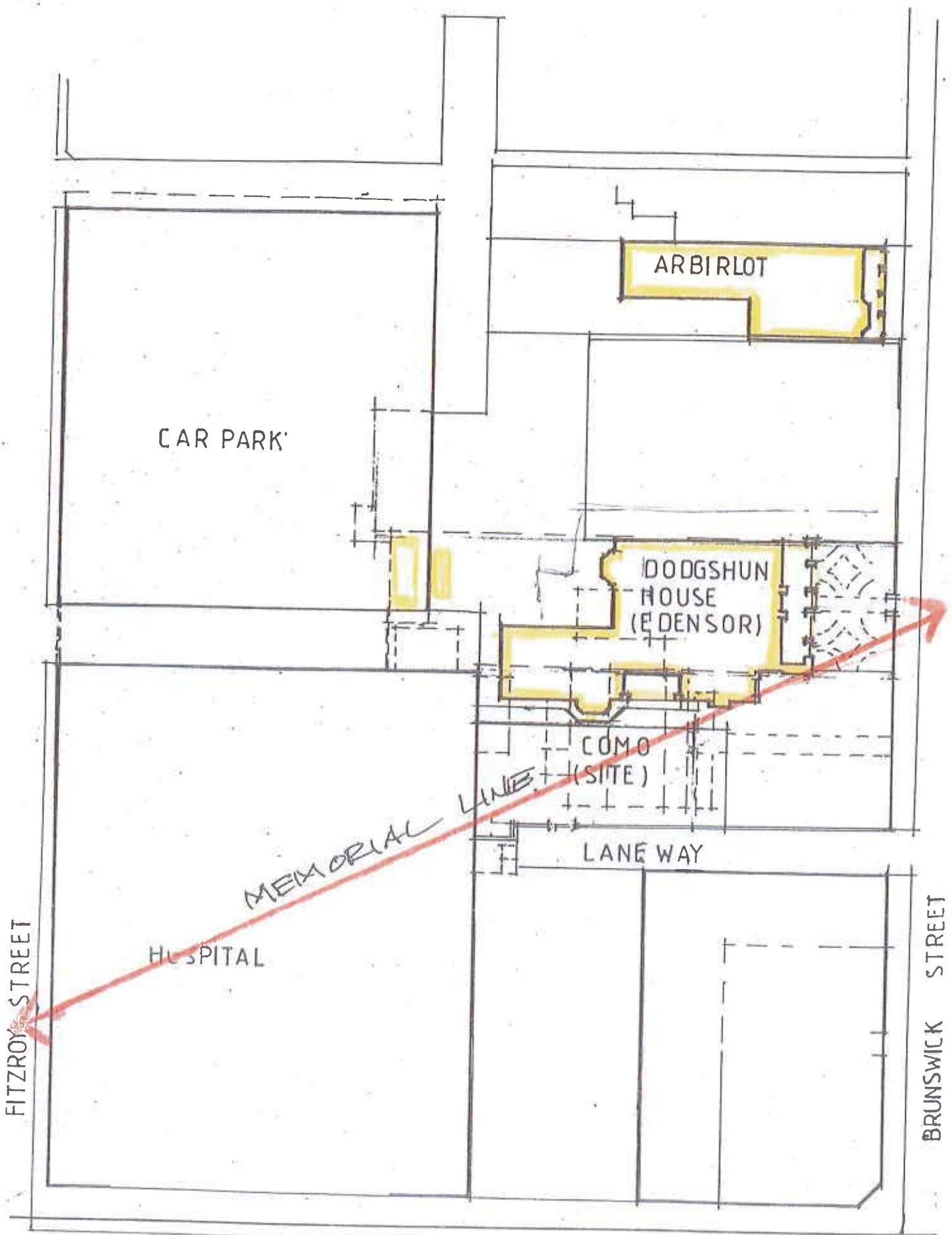




3 4 1 5 2

Enclosure No 5

This shows the direct 'memorial line' between the new statue of Mary MacKillop in Mary MacKillop Square and the site of Mary's baptism in the early St. Francis' Church. Note that this line passes exactly through the identified presumed birth-site.



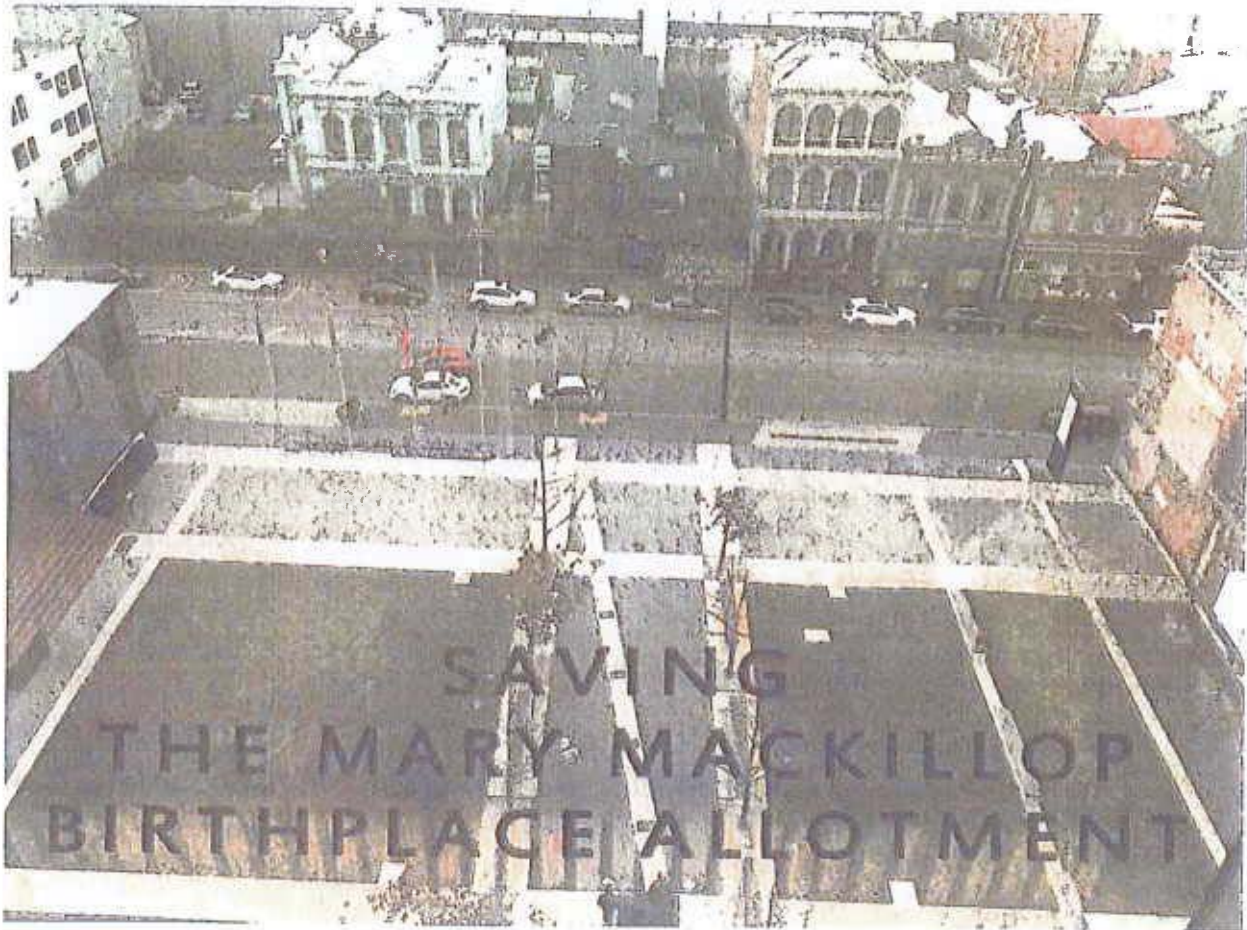
FITZROY STREET

BRUNSWICK STREET

VICTORIA PARADE

↑ 1:480

TERENCE TAYLOR - ARCHITECT



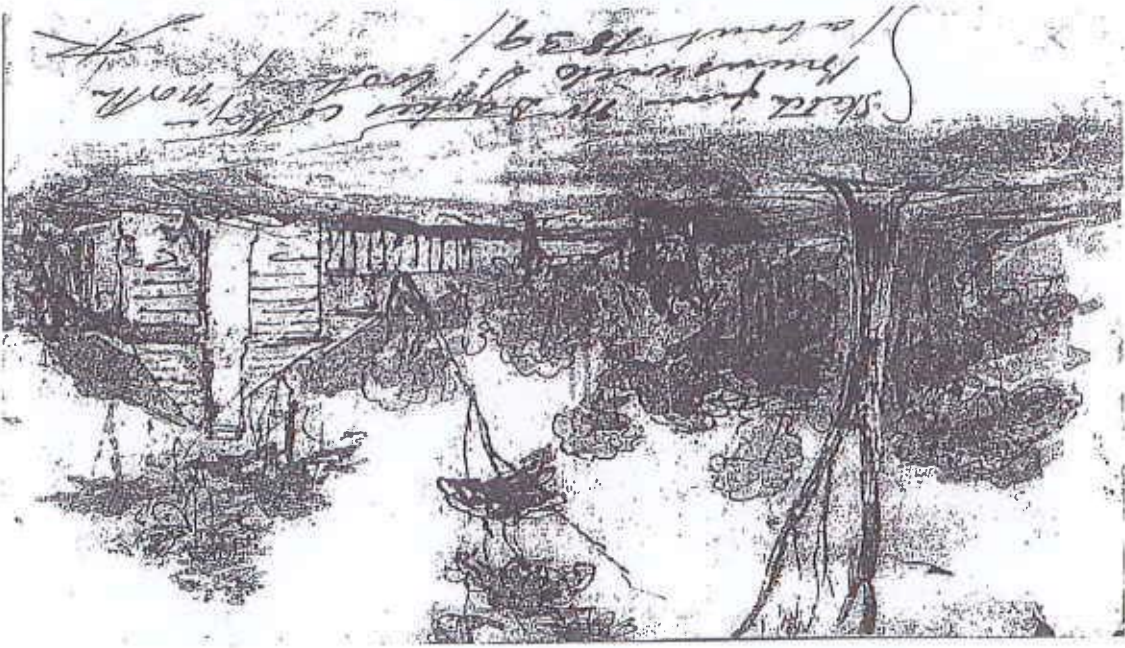
Permit Application VHR H1706 — Dodgshun House

Submission to Heritage Victoria
7th August 2018





Sketch from Mr Darke's cottage, Brunswick Street, looking north about 1839', by Robert Russell. State Library of Victoria H9301



5

6

