



## **Heritage Council Registrations and Reviews Committee**

### **All Saints Winery (H0333)**

315 All Saints Road, Wahgunyah, Indigo Shire

**Members** – Prof Andrew May (Chair), Ms Joanne Guard and Mr Rueben Berg

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#### **DETERMINATION OF THE HERITAGE COUNCIL**

**Amendment of the Victorian Heritage Register** – After considering the Executive Director's recommendation and all submissions received in relation to that recommendation, the Heritage Council has determined, pursuant to sections 49(1)(d), 49(1)(e) and 62 of the *Heritage Act 2017*, to amend the entry in the Victorian Heritage Register for All Saints Winery (H0333) located at 315 All Saints Road, Wahgunyah.

**Andrew May (Chair)**  
**Joanne Guard**  
**Rueben Berg**

**Decision Date** – 18 October 2019

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## ACKNOWLEDGEMENT

As a peak Heritage body, the Heritage Council is proud to acknowledge the Yorta Yorta People as the original custodians of the land and waters of the place being considered and to acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour their Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

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## HEARING PARTICIPANTS

### **EXECUTIVE DIRECTOR, HERITAGE VICTORIA ('THE EXECUTIVE DIRECTOR')**

A hearing submission was received from the Executive Director.

### **MS ELIZA BROWN**

A submission was initially received from Ms Eliza Brown, Chief Executive Officer and Director of All Saints Estate, pursuant to section 44 of the *Heritage Act 2017*, objecting to the Executive Director's recommendation to amend the registration of All Saints Winery. Subsequently, Ms Brown formally withdrew that section 44 submission, stating that she no longer wished to request a hearing.

## INTRODUCTION/BACKGROUND

### THE PLACE

01. On 14 March 2019, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council ('the Council') pursuant to section 37(1)(a) of the *Heritage Act 2017* ('the Act') that the Victorian Heritage Register ('the Register') entry for All Saints Winery located at 315 All Saints Road, Wahgunyah ('the 'Place') should be amended.
02. The following background to the Place is included on page 5 of the Recommendation:

#### “WHAT IS AT THE PLACE?

*All Saints Winery is a winery complex located near Wahgunyah in north-west Victoria close to the banks of the Murray River built on a terrace above the river flats. Central to the complex is a striking cellar building of red brick with distinctive castellated parapet and prominent square tower. The cellar building (1885-1895) contains early winemaking infrastructure and equipment such as fermentation vats and a grape press. A basic timber-framed dormitory building (c.1870) with bunks and fireplace, built to house Chinese labourers, lies on a small rise to the north of the cellar. Stables (c.1870) lie to the west and a homestead to the south. A table wine cellar, designed by architect Philp Cox and constructed in 1968, stands to the east. Access is via a formal driveway lined with large elm trees (planted c.1880s). Modern warehouse sheds (2015) have been added to the western elevation of the main cellar building. Although there are some other established trees, much of the additional plantings, tree avenue and landscaping largely date from the 1990s. All Saints Winery still operates as a vineyard and winery.*

#### WHAT IS THE HISTORY OF THE PLACE?

*George Sutherland Smith and John Banks established All Saints Winery in 1869 after migrating from Scotland in 1853. Chinese labourers were employed in the establishment and early expansion of the winery throughout the 1870s. In 1885 Sutherland Smith began work on what is now the principal cellar building and land under vines continued to expand into the 1890s. The winery stayed in the ownership of the Smith family until the 1980s. It was purchased by Peter Brown of Brown Brothers in 1993 and remains in the Brown family.*

#### WHO ARE THE TRADITIONAL OWNERS/REGISTERED ABORIGINAL PARTY(IES) FOR THIS PLACE?

*This site is part of the traditional land of the Yorta Yorta people. The Yorta Yorta Nation Aboriginal Corporation is the Registered Aboriginal Party.”*

03. The above information, taken from the Recommendation, is not endorsed by the Council and is provided for information purposes only.

## **NOMINATION**

- 04.** On 18 February 2019, the Executive Director accepted a nomination to amend the Place in the Register.

## **RECOMMENDATION OF THE EXECUTIVE DIRECTOR**

- 05.** On 14 March 2019, the Executive Director recommended, under section 37(1)(a) of the Act, that the registration of the Place be amended.

## **PROCESS FOLLOWING THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR**

- 06.** Notice of the Recommendation was published on 22 March 2019 in accordance with section 41 of the Act for a period of 60 days.
- 07.** One (1) submission was received pursuant to section 44 of the Act, from Ms Brown on behalf of All Saints Estate Winery. The submission objected to the Recommendation and requested that a hearing be held ('the section 44 submission'). In accordance with section 46(2)(a) of the Act, a hearing was required to be held.
- 08.** A Heritage Council Registrations and Reviews Committee ('the Committee') was constituted to consider the Recommendation and submissions received in response to it, and to make a determination. The Committee invited further written submissions and a hearing was scheduled for 26 July 2019 ('the hearing').

## **PRELIMINARY, PROCEDURAL AND OTHER MATTERS**

### **REQUEST FOR ADJOURNMENT**

- 09.** On 2 July 2019 the Council received a request for adjournment from Ms Brown. Ms Brown asked for an adjournment of 8 weeks in order to obtain the assistance of experts in preparing her submission.
- 10.** The Executive Director did not object to this adjournment request, and the hearing was subsequently adjourned to 23 September 2019

### **WITHDRAWAL OF SECTION 44 SUBMISSION**

- 011.** On 27 August 2019 the Council received a written notification from Ms Brown advising that she no longer wished to participate in a hearing and that she wished to formally withdraw the section 44 submission ('the notice of withdrawal').
- 012.** Pursuant to Heritage Council Protocol 1 ('Protocol 1'), which governs the conduct of the Council's registrations hearings, the withdrawal of a submission which had caused a hearing may result in the hearing not being held. In that case, Protocol 1 states that the Council will make a decision on the Executive Director's recommendation after a consideration of any written submissions received.
- 013.** All parties were subsequently advised that the hearing was cancelled.

### **HEARING 'ON THE PAPERS'**

- 014.** Having received the notice of withdrawal, the Committee, in consultation with all hearing participants and pursuant to Protocol 1, decided to determine the matter after a consideration of the Recommendation and the written submission received from the Executive Director.

## CONFLICTS OF INTEREST

- 015.** The Chair and the Committee members have considered matters that may potentially give rise to an actual or apprehended conflict of interest. The Chair and Committee members are satisfied that there are no relevant conflicts of interests to declare.

## FUTURE USE, MAINTENANCE AND DEVELOPMENT OF THE PLACE

- 016.** It is not the role of the Committee to consider future proposals or to pre-empt any decisions regarding future permits under the Act. Pursuant to section 49(1) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, is of State-level cultural heritage significance and is, or is not, to be included in the Register.

## ISSUES

### SUMMARY OF ISSUES

- 017.** The Executive Director recommended that the entry for the Place in the Register be amended to include additional land; update the Statement of Cultural Heritage Significance; include a permit policy and exemptions; and, to include Registered Objects Integral to the Place.
- 018.** The Executive Director's Hearing Submission responded to the (subsequently withdrawn) section 44 submission and submitted that the Place should be amended in the Register for the reasons outlined in the Recommendation.

### *Discussion and conclusion*

- 019.** The Committee agrees with the Recommendation and with the Executive Director's Hearing Submission that the Place should be amended in the Register by including additional land, by including Registered Objects Integral to the Place, and by including permit exemptions as recommended.
- 020.** Whereas the Recommendation recommends that the Statement of Cultural Heritage Significance and Permit Policy for the Place be updated or amended, the Committee is of the view that it is neither necessary nor appropriate for it to either approve or amend those aspects of the Place's registration.
- 021.** The Committee determines to amend the Register otherwise in accordance with the Recommendation.

## CONCLUSION

- 022.** After considering the Executive Director's Recommendation and all submissions received, the Heritage Council has determined, pursuant to sections 49(1)(d) and 62 of the *Heritage Act 2017*, to amend the extent of registration and permit exemptions for the entry in the Victorian Heritage Register for All Saints Winery (H0333) located at 315 All Saints Road, Wahgunyah, and to include Registered Objects Integral to the Place pursuant to section 49(1)(e), confirming and endorsing without change those aspects of the recommendation of the Executive Director.

## **ATTACHMENT 1**

### **HERITAGE COUNCIL CRITERIA FOR ASSESSMENT OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE**

CRITERION A	Importance to the course, or pattern, of Victoria's cultural history
CRITERION B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
CRITERION C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
CRITERION D	Importance in demonstrating the principal characteristics of a class of cultural places or environments.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

**These were adopted by the Heritage Council at its meeting on 7 August 2008, and replace the previous criteria adopted by the Heritage Council on 6 March 1997.**