

## Heritage Council Regulatory Committee Carngham Memorial Church (H2427)

**954 Linton-Carngham Road Snake Valley, Pyrenees Shire**

**Hearing** – 15 April 2024

**Members** – Mr Simon Molesworth AO KC (Chair), Ms Anna Foley, Mr Peter Mathieson

---

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

**Inclusion in the Victorian Heritage Register** – After considering the Executive Director’s recommendation and all submissions received, and after conducting a hearing, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017*, that the Carngham Memorial Church located at 954 Linton-Carngham Road, Snake Valley, is of State-level cultural heritage significance and is to be included in the Heritage Register in the categories of Registered Place and Registered Objects Integral to a Registered Place.

**Simon Molesworth AO KC (Chair)**  
**Anna Foley**  
**Peter Mathieson**

**Decision Date** – 15 July 2024

---

## ACKNOWLEDGEMENT

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

---

## APPEARANCES/HEARING SUBMISSIONS

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

The Executive Director recommended to the Heritage Council that the Carngham Memorial Church located at 954 Linton-Carngham Road, Snake Valley not be included in the Victorian Heritage Register. The Executive Director was represented at the Hearing by Mr Geoff Austin, Manager, Heritage Register and Ms Fiona McMahon, Principal, Heritage Assessments.

### CARNGHAM MEMORIAL CHURCH COUNCIL ('CHURCH COUNCIL')

The Carngham Memorial Church Council made a submission to the Heritage Council pursuant to section 44 of the *Heritage Act 2017*, objecting to the Executive Director's Recommendation and submitting that the Carngham Memorial Church Council considers the place to be of State-level significance. The Church Council requested that a hearing be held. At the Hearing the Church Council was represented by Ms Kaylene Baird, Chair, Carngham Uniting Church Council and Ms Sue Whiteley, Carngham Uniting Church Elder. The Church Council called on expert witnesses Ms Lorraine Huddle and Dr Anne Beggs-Sunter.

## OTHER INTERESTED PARTIES

### PYRENEES SHIRE COUNCIL

The Pyrenees Shire Council made a submission to the Heritage Council pursuant to section 44 of the *Heritage Act 2017*, objecting to the Executive Director's Recommendation. The Pyrenees Shire Council submitted that the Carngham Memorial church and the wider Memorial Heritage Precinct are of importance to the cultural history of Victoria given the impressive nature of the building and its intact detailing including stained glass windows. The Pyrenees Shire Council requested not to participate in the Hearing.

## INTRODUCTION/BACKGROUND

### THE PLACE

01. On 13 November 2023, the Executive Director made a recommendation ('the Recommendation') to the Heritage Council pursuant to Part 3, Division 3 of the *Heritage Act 2017* ('the Act') that the Carngham Memorial Church at 954 Linton-Carngham Road, Snake Valley ('the Place') is not of State-level cultural heritage significance and should not be included in the Victorian Heritage Register ('the Register'), pursuant to section 49(1)(b) of the Act.
02. The Place is located on Wadawurrung Country.
03. The Place is described on page 4 of the Recommendation as follows:

*"Carngham Memorial Church is situated on Linton-Carngham Road, Snake Valley. The church spire is visible through the trees from the northern approach, making it a significant local landmark. The church is sited on elevated rising ground and oriented on an East-West axis, facing the main road, with an ornamental iron fence forming the perimeter of the church grounds. On the same site to the north of the church building is a later addition being the Sunday School building. To the south, on an adjacent land parcel, is the church manse, which is presently in use as a private residence. To the west of the Church site on the opposite side of the road is a war memorial and avenue of honour. Also on the church grounds is a Scotch Pine, White Poplars, and several Arizona Cypress varieties in the north-west corner."*
04. The following historical summary of the Place is extracted from pages 4–5 of the Recommendation:

#### **The church**

*The bluestone church dates to the late 19th century. It is built in the later Gothic free decorated style and roofed in slate. The local bluestone used is generally from nearby Chepstowe, with Oamaru freestone from New Zealand for the dressings. The church is comprised of a four-bay nave, a tower to the north-western corner, small vestry to the southeastern aspect, and narthex to the south-western entry. The roof of the church is clad in slate, with cast iron guttering and iron cresting to the ridge of the gable roof over the narthex and vestry.*

*The western façade of the church has a vertical emphasis created by the tower and the matching gables of the nave and narthex, though the effect is reduced by the somewhat diminutive spire. To the base of the building, several courses of bluestone form a plinth and two sets of stairs lead up to the pointed arch entry portals of the narthex and tower. The fourteenth century style pointed arch window to the west front is comprised of four lights with bar tracery and a cinquefoil window at the top. Above this, a series of small, pointed arches, separated by mullions, with louvred windows provides ventilation to the ceiling space.*

*The tower is divided into thirds, with stylised openings in each third. Four pinnacles adorn the tops of the tower buttresses, two forming miniature octagonal spires, and two with a square base and a roof-like shape formed by intersecting gables. The tower is finished in an octagonal broach spire of a small diameter, somewhat disproportionate to the grandeur of the rest of the church.*

#### **The interior**

*Internally, much of the decorative scheme is formed by timber. The ceiling is composed of Kauri pine, laid diagonally in a herringbone pattern with Californian pine moulding and ceiling trusses that mimic the masonry vaulting of traditional Gothic churches. The voids of the trusses are filled in with wood carvings in a lighter colour featuring quatrefoil motifs. Set in the ceiling, ornamental baffles provide ventilation to the space above. The cornice and the brackets to the ceiling truss are made from hard plaster and the walls to*

*the church are covered in a sand-coloured cement wash. A timber dado lines the wall with the same Kauri and Californian pine treatment as the ceiling. The pews are made from blackwood with Californian pine infills and pew ends that feature varied floral carvings. Baltic timber is used for the raked floors that slope down towards the apse.*

*Internally, the apse is a separate volume to the nave demarcated by a dramatic pointed arch. The semi octagonal apse retains the same decorative treatment to the roof, cornice, and dado as the nave. A stone pulpit made from Oamaru freestone is located within the apse.*

*The original nave windows from the 1893 opening of the church are the two-light arched windows with a smaller quatrefoil motif above. The glazing is comprised of diamond leadlight panels. These still exist in two of the window openings in the church. Others have had the original glass removed, and on two occasions the mullions removed to form a single pointed arch window making way for the various memorial windows commissioned by the Russell family.*

*Stained glass in the church also includes the four-light window to the west front and the trio of windows in the apse. The stained-glass windows in the church depict:*

- *St Michael*
- *St Philip and St James the Great*
- *'Blessing of the children'*
- *'Christ before the doctors'*
- *'Faith' 'Hope' and 'Charity'."*

05. The above description and extract of the historical summary have been taken verbatim from the Recommendation and are provided for information purposes only.

## **RECOMMENDATION OF THE EXECUTIVE DIRECTOR**

06. On 13 November 2023, the Executive Director recommended to the Heritage Council that the Place is not of State-level significance and should not be included in the Heritage Register pursuant to section 49(1)(b) of the Act.
07. The Committee notes the Recommendation was a 'split recommendation', which recommended the Fincham and Hobday Pipe Organ, currently housed at the Place be included in the Register in the category of Registered Object. A Regulatory Committee of the Heritage Council agreed with the Executive Director's Recommendation in relation to the Fincham and Hobday Pipe Organ and determined on 19 March 2024 that the Organ was to be included in the Heritage Register in the Category of Registered Object (VHR H2195).

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

08. After the Recommendation, notice was published on Friday 17 November 2023 in accordance with section 41 of the Act for a period of 60 days.
09. Two (2) submissions pursuant to section 44 of the Act were received in relation to the Place. Both submissions objected to the Executive Director's Recommendation and submitted that the Place was of State-level cultural heritage significance and should be included in the Heritage Register. One submission requested that a hearing be held.

## **REGULATORY COMMITTEE**

10. Pursuant to section 13(1) of the Act a Regulatory Committee of the Heritage Council ('the Committee') was duly constituted to consider the Recommendation and all submissions received and to conduct a hearing into the matter.

## COMMITTEE SITE INSPECTION

11. On 15 April 2024 the Committee undertook a site inspection of the Place, including the interior and exterior of the church building, exterior of the Sunday School building, the land surrounding the church and the War Memorial precinct.
12. The Secretariat Hearings Manager and the Secretariat Project Officer were in attendance, and members of the Church Council facilitated access to the property. No submissions were sought, made or received during the site inspection.

## PRELIMINARY, PROCEDURAL AND OTHER MATTERS

### FUTURE USE, MAINTENANCE AND DEVELOPMENT

13. 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 sections 49(1)(a)-(c) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, should be included in the Heritage Register and, if determined to register, pursuant to section 49(3), to determine categories of works which may be carried out without a permit (permit exemptions).

### CONFLICTS OF INTEREST

14. The Chair invited Committee members to consider whether written declarations or otherwise were required to be made in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest. All members were satisfied that there were no relevant conflicts of interest and made no such declarations.

### ISSUES

15. The following section is not intended to be a complete record of submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position that the Committee takes on each key issue. Any reference to the Criteria or to a particular Criterion refers to the Heritage Council Criteria for Assessment of Places of Cultural Heritage Significance (updated by the Heritage Council on 1 December 2022) [‘Criteria for Assessment’]. Please refer to **Attachment 1**.

### SUMMARY OF ISSUES

16. Throughout the course of the proceeding some matters of agreement between the Interested Parties arose. The matters of agreement are summarised below and will not be further explored by the Committee:
  - Both Interested Parties agreed that the Place was not of architectural State-level significance and agreed that there are better examples of churches built in the Late Victorian free-gothic style in Victoria;
  - Both Interested Parties agreed that the Fincham and Hobday Pipe Organ currently housed at the Place is of State-level significance under Criterion F, as the Heritage Council determined in March 2024. Neither party made submissions in relation to the Organ.
17. The Executive Director recommended that the Place did not meet any of the Criteria for Assessment and therefore was not of State-level significance and should not be included in the Heritage Register.
18. The Church Council submitted that the Place met three of the Criteria for Assessment and should be included in the Heritage Register. The Church Council submitted that the Place was of cultural heritage significance at the State-level for meeting the following Criterion:

- **Criterion A** – Importance to the course, or pattern, of Victoria’s cultural history; and
  - **Criterion B** – Possession of uncommon, rare or endangered aspects of Victoria’s cultural history; and
  - **Criterion E** – Importance in exhibiting particular aesthetic characteristics.
19. The Executive Director submitted that some of the Church Council’s submissions made under Criterion A would be better assessed under Criterion H. Consequently, the Committee has also discussed Criterion H in its determination:
- **Criterion H** – Special association with the life or works of a person, or group of persons, of importance in Victoria’s history.
20. The Executive Director summarised that the main difference between the view of the Church Council, and the view of the Executive Director in relation to this Place, is the significance attributed to the fact that the Place is the result of philanthropic endowment. In the Executive Director’s view, the Place represents just one of many examples of philanthropic endowment by pastoralists in the Western District. The Church Council’s view is that the monetary value of endowment in this instance is the highest amount known to have been given, and that therefore the Place is of State-level cultural heritage significance.
21. It was the Executive Director’s position broadly in relation to Criterion A, that the association of the Place with the historical phases of ‘Pastoralists of the Western District’ and ‘Maintaining Spiritual Life’ was better understood at a local level, and that the Place did not allow the associations of those themes to be better understood than most other places or objects in Victoria with substantially the same association.
22. It was the Executive Director’s position that the Place did not meet the threshold tests at a State-level in relation to Criterion B and that the Place could not be said to be ‘rare’ or ‘unusual’ due to the numerous examples of private support of Christian denominations by individuals and families across Victoria.
23. In relation to Criterion E, the Executive Director submitted that while the landscape of the Place is ‘pretty’ and ‘attractive’, pursuant to exclusion guideline XE4 in the Heritage Council’s Criteria for Assessment these are not sufficient qualifiers for the purpose of satisfying this criterion.
24. The Church Council disagreed with the Executive Director’s Recommendation and submissions, and maintained that the Place was significant at a State-level in accordance with Criterion A, B and E.
25. Ms Lorraine Huddle and Dr Anne Beggs-Sunter presented expert evidence during the Hearing based on their jointly authored report ‘*Carngham Memorial Church Gifted Collection*’, dated 18 March 2024. The expert evidence suggests that the Place is made up of a collection of 22 significant places/objects (including the land and the Church building itself) that together meet the threshold for inclusion in the Heritage Register. The Church Council submitted that the Place comes together as an intact, aesthetic collection that is historically harmonious.

## **CRITERION A – IMPORTANCE TO THE COURSE, OR PATTERN, OF VICTORIA’S CULTURAL HISTORY**

### *Summary of submissions and evidence*

26. It was the Executive Director’s position that the Place did not meet the threshold for State-level significance pursuant to Criterion A.
27. The Executive Director submitted that while the Place is associated with the historical theme of ‘Pastoralists of the Western District’, an assessment of the Place against the threshold tests in the Criteria for Assessment did not find that the Church allowed an

understanding of that association to be better understood than most other places in Victoria with the same association.

28. Relying on the expert evidence of Ms Huddle and Dr Beggs-Sunter, the Church Council submitted that the Place is important at the State-level pursuant to Criterion A, for its strong and tangible association with pioneer Philip Russell (1822–1892) who strongly facilitated the establishment of the Presbyterian church in the Western District.
29. The Church Council submitted that the Russell family was one of the most important Scottish families who established the wool industry in the Western District of Victoria, and that the Place is a monument to the influence of Presbyterian squatters on the Western District. The Church Council submitted that the Place is a unique memorial to the Presbyterian beliefs and values of Philip Russell and his descendants.
30. During the Hearing, Ms Huddle reiterated the strong connection of the Place to Philip Russell. Ms Huddle cited examples to reiterate the connection, including that Phillip Russell sponsored development of the Carngham Memorial Church building by leaving a large sum to be used to construct the Place in his will, and also paid for Church Ministers and for educational programs for children of the district.
31. Ms Huddle further submitted that the contribution of Scottish pastoralists to Victorian culture had previously been recognised at the Ballarat Art Gallery in an exhibition titled *For Auld Lang Sein*. Ms Huddle noted that the exhibition communicated the role of the donations Scottish pastoralists made to religious and philanthropic institutions in the Western District. Ms Huddle submitted that Philip Russell's actions were important not only locally to Snake Valley but to Victoria more widely, as evidenced in his successful career in wool and his wide-reaching financial support of Presbyterianism in the Western District. The Church Council submitted that the sum (12,000 pounds) left in Philip Russell's will for construction of the Place was unusually high, and that the Place was a superior example of the generosity and benefaction of Philip Russell.
32. During the Hearing, the Executive Director reiterated his position that the historical themes associated with the Place were not met at the State-level, and that the historical theme relating to 'Pastoralists of the Western District' was better understood in the many extant homesteads and squatters runs of the squatters and pastoralists of Victoria, of which there are numerous examples in the Heritage Register.
33. The Executive Director suggested however, that the association of Philip Russell and the Russell family to the Place may be better assessed under Criterion H, which refers to a '*Special association with the life or works of a person, or group of persons, of importance in Victoria's history*'. Submissions in relation to Criterion H are further addressed from paragraphs 87–99.

#### *Committee discussion and conclusion*

34. The Committee acknowledges Ms Huddle's submissions regarding the strong connection between the Place and Philip Russell, asserting its historical significance at a State-level. However, the Committee agrees with the Executive Director that the association with Philip Russell and the Russell family is more appropriately evaluated under Criterion H. These matters are further discussed in paragraphs 87–99 below.
35. The Committee acknowledges that the Place holds significant historical importance due to its association with the historical themes of 'Maintaining Spiritual Life' and 'Pastoralists of the Western District.' It illustrates the expansion of the Presbyterian church congregation following gold discovery in the area and is linked to the Russell family of Carngham Station. As such, the Committee agrees it meets the Step 1 test in the Criteria for Assessment.
36. While the Place is clearly associated with the above-mentioned historical themes, the Committee finds that the Place does not allow the association with these events/phases to be better understood than most other places in Victoria with substantially the same association and therefore does not meet the Step 2 test in the Criteria for Assessment.

37. The Committee acknowledges that the theme of 'Maintaining Spiritual Life' is well-represented in the Heritage Register with approximately 146 listed churches built between 1837 and 1987. While recognising the importance of sponsored or gifted church patronages in civic life during that period in Victoria, the Committee does not consider that the Place illustrates the theme of 'Pastoralists of the Western District' better than most other places associated with the theme.
38. Moreover, the Committee notes that, like the Russell patronage of the church at Snake Valley, this kind of endowment was not an isolated example. It refers to comparative examples such as St. Peter's Anglican Church in Tahara (H1912), the Crossroads Uniting Church in Werribee (H0628), and the Niel Black Memorial Presbyterian Church in Noorat. The Committee considered these examples and was not satisfied that the Place allows this custom to be understood better than most other places in Victoria with substantially the same association.
39. The Committee finds that the Step 2 test for State-significance is not met and consequently that the Place **does not satisfy** the State-level threshold in relation to **Criterion A**.

## **CRITERION B – POSSESSION OF UNCOMMON, RARE OR ENDANGERED ASPECTS OF VICTORIA'S CULTURAL HISTORY**

### *Summary of submissions and evidence*

40. The Executive Director disagreed with the Church Council's view that the Place is rare as a 'collection of high-quality associated items that is the only extant example of its kind in Victoria'.
41. The Executive Director acknowledged that the donation of the land, buildings and objects by Philip Russell and the Russell family in subsequent years is generous, but submitted that there are varying degrees of such generosity and endowment across Victoria and that the endowment in and of itself, is not rare.
42. In the Executive Director's view, the Church Council had relied on too many qualifiers in an attempt to meet the threshold for Criterion B and noted that one of the exclusion guidelines for Criterion B (XB2) in the Criteria for Assessment is a 'dependance on too many qualifiers'.
43. The Executive Director submitted that Ms Huddle and Dr Beggs-Sunter's expert report is dependent on the qualifiers of Presbyterianism and 'donations through a single pastoral family' to prove its rarity. In the Executive Director's view this is a reliance on too many qualifiers.
44. The Executive Director also submitted that there are many examples of churches that have been built using benefactor donation, some of which are included in the Heritage Register and some of which are not, suggesting that this type of church cannot be considered as rare.
45. Examples the Executive Director submitted to reiterate his position included Christ Church Dingley (H0225), St Peter's Anglican Church Tahara (H1912), HV McKay Memorial Gardens [and Presbyterian Church] Sunshine (H1953) and Niel Black Memorial Church, Noorat (not included in the Heritage Register).
46. The Executive Director submitted that the example churches had all been funded by individual benefactors many of whom were 19<sup>th</sup> Century pastoralists.
47. In the Church Council's view, there are two aspects for which the Place meets the threshold for Criterion B:
  - a. rarity as a wholly endowed memorial church; and
  - b. rarity for housing an 1893 stained-glass memorial window to four females.



48. In relation to aspect (a), Ms Huddle and Dr Beggs-Sunter's expert report suggests that '*it is very rare for a whole church, together with associated buildings such as the manse, Sunday School as well as the grounds to have been donated by just one family*'.
49. In response to the Executive Director's position, Ms Huddle submitted that the 1991 study *Victorian Churches* by Professor Miles Lewis includes in the summary for Carngham Memorial Church that 'unusually for Victoria', the Place is 'wholly privately endowed'. Ms Huddle submitted that the choice of words included in the study of 400 churches was carefully chosen. Ms Huddle emphasised the choice of the word 'unusually' and reiterated that the type of donation evidenced in the Place and the collection is indeed rare.
50. Ms Huddle noted the Executive Director's submission that there are other privately endowed churches in Victoria and agreed with this statement, but submitted that the Place differs as it is the only 'wholly privately endowed church by a single family'.
51. In relation to the examples raised in the Executive Director's submission, Ms Huddle submitted that the comparators that are not included in the Heritage Register are not relevant to the discussion about the Place, as it is unclear whether these have or will be assessed.
52. In relation to the Executive Director's example of Christ Church, Dingley (H0225), Ms Huddle submitted that while that church was included in the Heritage Register in 1974 its Statement of Significance had been revised in 2003 and did in-fact refer to the reasons for its inclusion (unlike some other early registrations). Ms Huddle submitted that Christ Church Dingley was included in the Heritage Register as a significant example of 'personal endowment of a family', but that Carngham Memorial Church is actually a better example of that element of historic significance.
53. Ms Huddle submitted that the Executive Director had not addressed the Church Council's expert report submission that posited that the Place is in-fact a collection of 22 significant places/objects. Ms Huddle noted that neither the Recommendation nor the Executive Director's hearing submission addressed the Place as a collection.
54. In relation to aspect (b) of the Church Council's submission, Ms Huddle submitted that the stained-glass windows dedicated to four women in the Russell family (Annie Russell, Euphemia Russell, Amy Vera and Catherine Simpson), is the only known Victorian era stained-glass memorial which commemorates females (apart from those to individual female saints).
55. Ms Huddle raised that Dr Bronwen Hughes, an eminent expert in the study of stained glass, has previously stated that she 'knows of no other stained-glass window to four women in one family'.

*Committee discussion and conclusion*

56. The Committee agrees with the Executive Director's assessment that there is no shortage of 19<sup>th</sup> century masonry churches in Victoria, and the Place's gothic style draws 'on a well-established and well-explored precedent of gothic churches in Victoria. Indeed, the Committee notes that the style of the Place intentionally mimics the far-grander Scots' Church in Collins Street, Melbourne.
57. The Committee agrees that there were too many qualifiers on the Church Council's submission that rarity exists on the basis of the Place being a wholly endowed Presbyterian memorial church including manse, Sunday school and grounds. The Committee noted that other examples of churches that were substantially, if not wholly, endowed by Western District pastoral families were readily identified by the Executive Director.
58. The Committee has considered Ms Huddle's submissions regarding the rarity of the 19<sup>th</sup> Century stained-glass window dedicated to females and finds them compelling.

59. The Committee is of the view that the Church is rare or uncommon for containing unusual features, these features are of note, and these features were not widely replicated in Victoria.
60. The Committee accepts that the church belongs to the class of 19<sup>th</sup> century churches, and contains the unusual feature of a stained-glass window dedicated to females.
61. The Committee is of the view that this is a feature of note due to dominant patriarchal cultural traditions that prevailed in the 19<sup>th</sup> Century whereby monuments and memorials solely recognising women and/or girls, their lives, deaths and contributions, were rare and unusual at the time, in churches or indeed in any location outside of cemeteries. The same cannot be said for men of the same era.
62. The Committee notes that the window is located prominently in the primary façade elevation of the building, and the scale of the building gives the firm impression this was intended as a conspicuous memorial. The position, size and familial subject matter of the window ('the Blessing of the Children') provides a striking impact when considered in its historical cultural context. This was not a meek or parsimonious memorial. This was a statement that these women and girls were important people to the commissioning patron (Mr James Russell) and at the time, that could be considered both bold and rare.
63. The Committee accepts Ms Huddle's submission that the church at Carngham has a rare application of this feature.
64. The Committee considered if there were too many qualifiers to consider the Place as having rare or unusual features, but the Committee was satisfied that commemorative stained-glass windows dedicated solely to females are an unusual and rare feature of a church.
65. Consequently, the Committees considers that the stained-glass window commemorating females, is a rare or extraordinary feature of the Place which isn't widely featured in other churches, or indeed other places, throughout Victoria, such that the Place meets B1, B2, B3 and SB2 of the threshold Guidelines for State-level significance.
66. The Committee finds that **Criterion B is satisfied** at the State-level.

## **CRITERION E – IMPORTANCE IN EXHIBITING PARTICULAR AESTHETIC CHARACTERISTICS**

### *Summary of submissions and evidence*

67. In setting out the position in relation to Criterion E, the Executive Director submitted that while the Place could be said to be 'pretty' and 'attractive', these characteristics alone did not mean that the Place met the threshold for State-level significance under Criterion E.
68. The Executive Director noted the exclusion guidelines in the Criteria for Assessment, and submitted that exclusion guideline XE4 advises that a place is unlikely to meet the threshold for inclusion if it has 'no clearly definable characteristics', and that 'being "pretty" or "attractive" or popular is insufficient for the purposes of satisfying this criterion.'
69. The Executive Director submitted that because the Place has not been subject to critical recognition or wide public acknowledgement and there was no evidence from within the architectural discipline that this Place is outstanding or beyond the ordinary, the threshold tests in the Criteria for Assessment could not be met.
70. The Executive Director acknowledged the evidence included in the expert report, that the stained-glass windows had been recognised in 1893 at the Melbourne showrooms of artists Brooks, Robinson & Co, and a description of the windows included in the *Church of England Messenger* on 8 December 1893. However, the Executive Director maintained that the State-level tests in the Criteria for Assessment had not been met for Criterion E.

71. The Executive Director suggested that the four-panel stained-glass window memorial to the female Russell family members would be better assessed under Criterion F, not Criterion E.
72. The Executive Director nonetheless submitted that if the stained-glass window memorial had been assessed under Criterion F, Exclusion Guideline XF1 in the Criteria for Assessment would apply. The Executive Director submitted that a high degree of technical achievement is either largely unproved or unsubstantiated in this instance.
73. In response to the Executive Director's suggestion that the stained-glass windows are better assessed under Criterion F, the Church Council disagreed with this view and maintained that the stained-glass windows at the Place contributed to its State-level significance under Criterion E.
74. Ms Huddle submitted that the Place is situated within an exceptional rural area and that the Heritage Overlay protecting the landscape is evidence of its exceptional, picturesque attributes. The expert report prepared by Ms Huddle and Dr Anne Beggs-Sunter includes a description of the Place written in 1893 that reads: "The location is charming. In the prettiest part of the extensive station stands the sacred edifice, with its costly and handsome spire pointing heavenwards"<sup>1</sup>.
75. Ms Huddle further submitted that unlike other churches that the Executive Director had used as examples and comparators, the Place is situated outside the township to which it services, which is unusual and means that the picturesque, rural landscape surrounding the Place has been retained. Ms Huddle specifically referred to the example of Christ Church, Dingley (H0225), which no longer retains a 'landmark picturesque setting' despite the Statement of Significance referring to the setting as such.
76. Ms Huddle also submitted that the setting allows the relationship between the Place and the Russell family to be read through the rural sheep grazing landscape nearby and the proximity to the War Memorial opposite the Place. These features relate strongly to the association of the Russell family and the Great War.
77. In relation to the four-panel stained-glass window at the Place, Ms Huddle submitted that Dr Bronwen Hughes has previously stated that the stained-glass at the Place is a collection from the best stained-glass firms of the era, and Ms Huddle submitted that the collection of stained-glass is equal in significance to those examples the Executive Director had given.
78. When responding to the Church Council's submission, the Executive Director queried the Church Council's view as to whether the Place could be assessed under Criterion F rather than Criterion E. In the Executive Director's view, the evidence that the Church Council presented in order to prove aesthetic significance was better assessed under Criterion F. The Executive Director noted that Criterion F allowed for 'creative or technical' achievements to be recognised and suggested that the stained-glass windows could represent a creative achievement.
79. In response, Ms Huddle submitted her view that the stained-glass windows should not be assessed under Criterion F and maintained the Church Council's position that Criterion E has been met.

*Committee discussion and conclusion*

80. The Committee considers that the Place clearly exhibits the aesthetic characteristics of a Late Victorian Free Decorated Gothic, with its bluestone construction, stained glass, and symbolic motifs. The Committee believes that the Place represents a very intact and unchanged vision of the designer. They further note that, despite alterations which have undoubtedly been undertaken and are necessary to maintain a place of this age, the

---

<sup>1</sup> Ballarat Star, Wednesday 20 December 1893, p4.

Place remains very cohesive. The Committee considers this cohesiveness to be a highly unusual feature, and there has been no downgrading of the aesthetic outcome over time.

81. The Committee notes that the ornate design of the external gutters and the internal decoration, which reflect the same decorative friezes as evidence of this cohesivity. These elements excellently adhere to the historic design, displaying a strict commitment to the original design outcome. The Committee finds these elements and the cohesiveness of the overall design to be particularly interesting aesthetic features.
82. Despite the cohesiveness of the design and the adherence of the Place to the original design outcome and, the Committee's agreement that the Place has aesthetic characteristics, the Committee finds that the Place does not meet the threshold for State-level significance under Criterion E as per the Criteria for Assessment.
83. The Committee refers to the exclusion guidelines in the Criteria for Assessment, particularly XE2. The Committee finds limited evidence of critical recognition or widespread public acknowledgment of the Place, and while sympathetic to its design, also notes that it has not been presented with any evidence from within the architectural discipline indicating that this Place was outstanding or exceptional as a late 19<sup>th</sup> Century Church building.
84. The Committee observes that that were it not for the requirement that there must be critical recognition of aesthetic characteristics or wide public acknowledgement of exceptional aesthetic qualities of a place, then the Place could well have satisfied Criterion E at State level. The Place was eligible to be assessed as being an important example of successful aesthetic design due to its cohesiveness, holistic creativity, and not being degraded by deterioration or insensitive alteration over its entire life. Consequently, today's extant harmonious aesthetic outcome is considered not just uncommon but distinctively rare, however wide recognition of this assessment is not evident.
85. Consequently, the Committee finds that the threshold tests in the Criteria for Assessment for recognition under Criterion E at a State-level are not met.
86. The Place **does not satisfy** the State-level threshold in relation to **Criterion E**.

## **CRITERION H – SPECIAL ASSOCIATION WITH THE LIFE OR WORKS OF A PERSON, OR GROUP OF PERSONS, OF IMPORTANCE IN VICTORIA'S HISTORY**

### *Summary of submissions and evidence*

87. During the proceedings, the Executive Director maintained that the Church Council's submissions in relation to the association of the Place with Philip Russell made by the Church Council under Criterion A, would be better assessed under Criterion H.
88. The Church Council submitted that Criterion A is satisfied at the State-level due to the 'strong and tangible association with Pioneer Philip Russell'. The Church Council also submitted in relation to Criterion A that the 'Russell family was one of the most important Scottish families who established the wool industry in the Western District of Victoria'.
89. The Executive Director submitted that Philip Russell's life achievements as a Ripon Shire Councillor, a sheep breeder, and a benefactor are best understood in the local context of Carngham and Snake Valley and that there is little evidence that his achievements were significant to the development of Victoria more generally. In relation to his involvement in the Legislative Council of the Victorian Parliament, the Executive Director submitted that this was not unusual for wealthy graziers, that he was not a prominent or influential politician as he did not attain a ministry or speak often in the chamber.
90. At the hearing, Ms Sue Whitely submitted that Philip Russell was "anything but a reticent politician". Ms Whitely submitted that Philip Russell's objection to and subsequent involvement in the appointment of a County Court Judge in Ballarat, and the link of such appointment to the political events of 'Black Wednesday' (1878) were evidence that he

was an 'active and dynamic member of the Victorian Legislative Council'. Kaylene Baird submitted that Philip Russell was a prominent racehorse owner and accompanied the Governor of New Zealand to races, which indicated his prominence and importance to the State of Victoria at the time.

91. Ms Baird submitted that in Philip Russell's will he wished the Place to be built in the style of Scots' Church in Collins Street, Melbourne, and that it was an opulent building for its time. The Church Council submitted that the bequeath Russell left to fund building the Place, and the other contributions he made during his life, were extremely generous for their time, with some of the wealth directed to philanthropy across the State.
92. The Executive Director submitted that there has been no exhaustive study into the extent of philanthropy in Victoria, and therefore it was difficult to say with confidence that the level of philanthropy evidenced at the Place is unique. The Executive Director did concede however that the Australian Dictionary of Biography speaks to Philip Russell's contribution to stock-breeding and wool (he was the first person to fence his property) noting that he did contribute significantly to the wool industry in Victoria.

*Committee discussion and conclusion*

93. The Committee agrees with the Executive Director's assessment that Step 1 of Criterion H is satisfied. The Place has a direct association with Philip Russell, who has made a strong and influential contribution to the development of the wool industry of the Western District. The association, and the evidence of it, relates directly to the achievements of the person, whereby Russell was so agriculturally and financially successful in his field of endeavour that he was able to bequeath the significant funds required for the construction of the Place.
94. However, the Committee disagrees with the Executive Director's assertion (at SB1) that Philip Russell's life and achievements are best understood in the local context of Carngham and Snake Valley. Evidence presented at the hearing by Ms Baird and Ms Whitely convincingly demonstrates otherwise. The Executive Director's comments regarding Russell's disposition and influence overlook his significant success.
95. As established through the evidence presented at the hearing (and conceded to by the Executive Director), Philip Russell's stature in the wool trade extended far beyond Snake Valley. During his time in the wool business, he was widely recognised as an eminent wool producer, ranking among the top in Victoria in a competitive field. This narrative underscores Russell's association with sheep breeding from the early days of Victoria's colonization and his significant contributions to establishing the wool economy in the Western District. This direct association with the church highlights his achievements, evidenced by his substantial contributions to its budget, and reflect his considerable success in the wool business.
96. The Committee also note the evidence of his extremely generous donations (particularly for the time), the tone of his letter to the Premier, meetings with and his attendance with the Governor of New Zealand at events, point to a life of influence outside the district in matters of importance to the State.
97. The Committee considers that Philip Russell's life, prominence and contributions were significant in shaping Victoria's historical landscape, which is evident in Russell's influential role in pioneering the wool industry and his philanthropic contributions to the establishment and support of local institutions including the Place, and thus SH1 is satisfied.
98. The Committee considers that the Place allows Russell's legacy to be best understood because it demonstrates the prominence of Russell's influential and successful role as a pioneering and eminent wool producer, and his subsequent philanthropic contributions. The Committee accepts the Executive Director's submission that the Carngham Station homestead, as the other obvious place with an association to Russell, is severely limited

in its ability to provide any ready appreciation of this as the main homestead burnt down in 1918 and again in 2013.

99. It is for these reasons the Committee considers that the Place **satisfies the State-level threshold for** cultural heritage significance in relation to **Criterion H**.

### **CARNGHAM MEMORIAL CHURCH GIFTED COLLECTION / OBJECTS INTEGRAL TO THE PLACE**

100. In their hearing submission and evidence, Ms Huddle and Dr Beggs-Sunter advocate for the preservation of the '*Carngham Memorial Church Gifted Collection*,' a compilation of 22 well-preserved donated items. For the purpose of the remaining discussion the Committee note that the list included the 'land', the 'Church building', the 'Sunday School' and the 'Fincham and Hobday Pipe Organ'. These four elements are not considered in the Committee's deliberations in relation to Objects Integral to a Registered Place as they are dealt with through the extent of registration or a prior registration in the case of the Pipe Organ. Ms Huddle and Dr Beggs-Sunter argue that this significant collection should remain intact.
101. Ms Huddle and Dr Beggs-Sunter submit that the preservation of these items as a unique collection serves as a rare example of a community place of worship, evolving into a memorial honoring members of the pioneering Russell family and their descendants. Spanning four generations of the Russell family, Ms Huddle and Dr Beggs-Sunter submit that this rare and intact collection represents a significant historical legacy.
102. The Committee acknowledges the historical significance of these items but notes that the Executive Director did not provide an examination of them in the Recommendation. This made the task of the Committee more difficult. Nevertheless, the Committee, having heard the evidence of two expert witnesses before it, specifically addressing the significance of the collection, unrefuted by the Executive Director, has concluded to accept the evidence that was placed before it.
103. In the context of the Heritage Council of Victoria being a specialist expert tribunal within the definition of such bodies in law, the Committee is permitted to call upon its own expertise when considering evidence placed before it. With respect to the collection of significant items, having accepted the expert evidence before it that the items are both significant and integral to the significance of the Place, the Committee has concluded that the collection of items is the subject of unrefuted evidence before it should be included in the registration of this Place in the category of 'registered objects integral to a registered Place'.

### **CONCLUSION**

104. After considering the Executive Director's recommendation and all submissions received, and after conducting a site inspection of the Place and a hearing into the matter, the Heritage Council has determined, pursuant to section 49(1)(a) of the *Heritage Act 2017* that the Carngham Memorial Church located at 954 Linton-Carngham Road, Snake Valley is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register in the category of Registered Place and Registered Objects Integral to the Registered Place, listed in the schedule of items at **Attachment 3**.
105. The Committee thanks all interested parties for their submissions and participation in the Hearing.

## 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 and objects.
CRITERION E	Importance in exhibiting particular aesthetic characteristics.
CRITERION F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
CRITERION H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

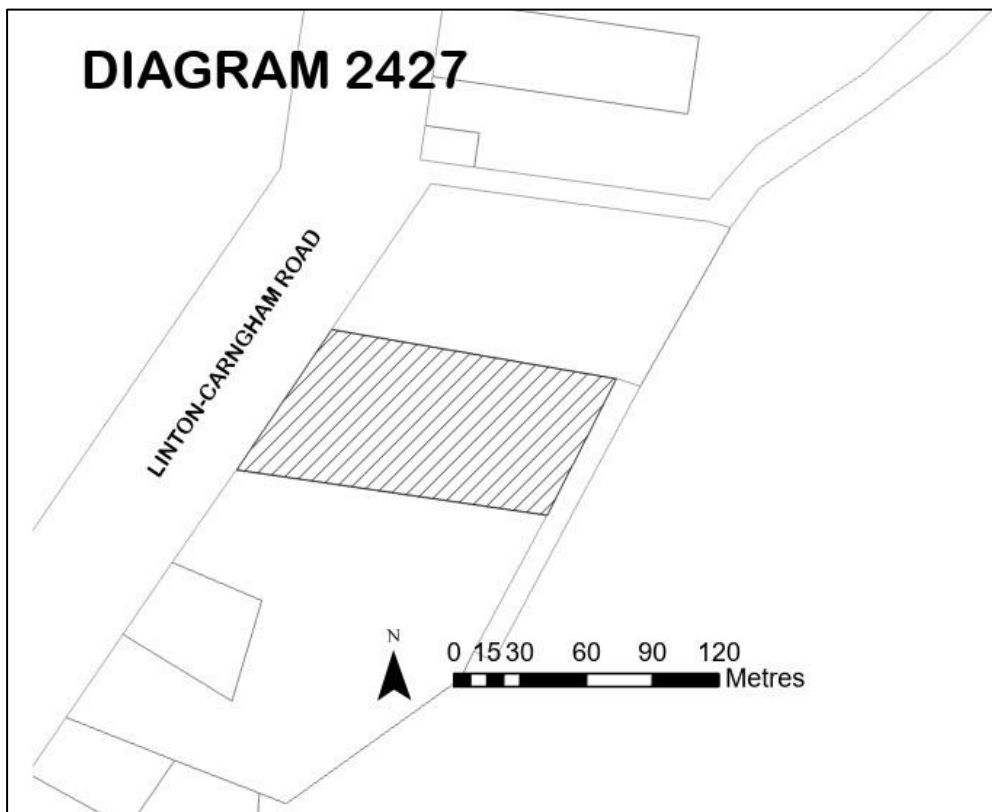
**These were updated by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.**

## ATTACHMENT 2

### EXTENT OF REGISTRATION

All of the place shown hatched on Diagram 2427 encompassing all of Lot 1 on Title Plan 605097, and all the registered objects integral to the place being:


1. Marble plaque (in memory of Annie Russell)
2. Silver chalice
3. Foundation stone marble plaque
4. Palisade cast iron fence and wrought iron gates
5. Marble altar and lectern including two brass lamps
6. Stained-glass window: "*Faith, Charity and Hope*"
7. Stained-glass window: "*The Blessing of the Children*"
8. Brass plaque (in relation to "The Blessing of the Children" stained-glass window)
9. Marble plaque (in memory of Philip Russell)
10. Brass plaque (in memory of Lieutenant Philip Leslie Russell)
11. Stained-glass window: "*St Philip and St James the Great*"
12. WW1 Timber Cross
13. Dead Man's Penny
14. WW1 Honor Roll
15. Stained-glass window: "*St Michael*"
16. Brass plaque (in relation to "St Michael" stained-glass window)
17. Stained-glass window: "*Christ Before the Doctors*"
18. Solid brass candlesticks (x2)







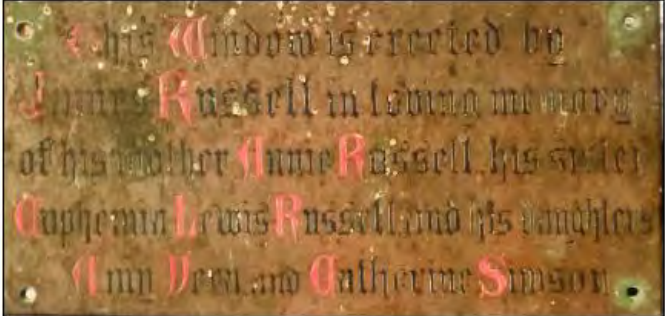






## ATTACHMENT 3


OBJECTS INTEGRAL TO A REGISTERED PLACE PURSUANT TO SECTION 27A and 49(ca) OF THE *HERITAGE ACT 2017*

Reference No.	Description	Date
01.	Marble plaque (in memory of Annie Russell)	1861
		
02.	Silver chalice (donated by Phillip Russell)	1870
		
03.	Foundation stone marble plaque (laid 23 November 1892)	1892
		

04.	Palisade cast iron fence and wrought iron gates	1893
		
05.	Marble altar and lectern including two brass lamps	1893
		
06.	Stained-glass window: "Faith, Charity and Hope" (eastern apse) (designer: J W Brown of Broks Robinson & Co).	1893
		

07.	Stained-glass window: "The Blessing of the Children" (west wall) (designer: J W Brown of Broks Robinson & Co)	1893
		
08.	Brass plaque (in relation to "The Blessing of the Children" stained-glass window)	1893
		
09.	Marble plaque (in memory of Philip Russell).	1893
		

10.	Brass plaque (in memory of Lieutenant Philip Leslie Russell)	1901
		
11.	Stained-glass window: "St Philip and St James the Great", two-light stained-glass window (designed by: Auguste Fischer)	1908
		
12.	WW1 Timber Cross	c1917
		

13.	Dead Man's Penny (Bronze. Captain John Russell)	c1917
		
14.	WW1 Honor Roll	c1918
		
15.	Stained-glass window: "St Michael"	1923
		
16.	Brass plaque (in relation to "St Michael" stained-glass window)	1923



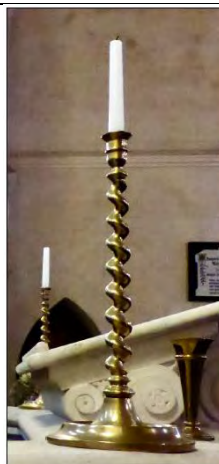
17. Stained-glass window: "Christ Before the Doctors" (artist: Brooks Robinson)

1952



18. Solid brass candlesticks (x2)

1966



## ATTACHMENT 4

### Recommended Permit Exemptions under section 38

#### PERMIT EXEMPTIONS

##### *General exemptions*

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

##### *Specific Exemptions*

Extensive Specific Permit Exemptions for the Carngham Memorial Church are not required on the basis that there are General Exemptions in place for all places in the VHR that allow for day-to-day maintenance, and repairs.

It is recommended that:

- Internal changes to the former Sunday School building and attached amenities block are permit exempt.

\*\*end\*\*