



Installation of External Lighting

Mount Ophir Estate, Rutherglen

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Submitted to Heritage Victoria
On behalf of PRB Nominees Pty Ltd

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Contents

1. Executive Summary	5
2. Introduction	6
2.1. Context of the report.....	6
2.2. Methodology.....	6
2.3. Limitations.....	6
2.4. Physical Evidence.....	6
3. Site Assessment	7
3.1. Context.....	7
3.2. Site Description.....	8
3.3. Integrity and condition.....	11
4. Heritage Listing Status	13
4.1. Victorian Heritage Register.....	13
4.2. Indigo Planning Scheme.....	13
4.3. Statement of Significance.....	14
5. Development Proposal	16
5.1. Plans and drawings.....	16
5.2. Overview.....	16
5.3. Options considered.....	17
6. Heritage Framework	18
6.1. Heritage Act 2017.....	18
6.2. The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013.....	18
7. Heritage Impact Assessment	19
7.1. Consideration of the Heritage Impact.....	19
7.2. Response to relevant considerations.....	19
8. Conclusions and Recommendations	21
8.1. Conclusion.....	21
8.2. Recommendations.....	21

List of Appendices

- Appendix A – Owner’s Consent
- Appendix B – Proposed Plans

List of Figures

Figure 1 Context map (VicPlan, 2024)	7
Figure 2 Map of surrounding heritage items (Source: VicPlan 2024).....	7
Figure 3 Aerial Map (Source: Nearmap December 2023).....	8
Figure 4 Aerial view of development area (Source: Nearmap December 2023).....	9
Figure 5 View of existing winery building (Source: Mount Ophir Estate, 2020).....	9
Figure 6 North-east corner of building.....	10
Figure 7 South-west corner of building.....	10
Figure 8 South-east corner of building	11
Figure 9 North-east corner of building.....	11
Figure 10 VHR Heritage mapping	13
Figure 11 Extract of Heritage Overlay mapping	14
Figure 12 Extract of lighting plan.....	16
Figure 13 Example of proposed lighting.....	17

List of Tables

Table 1 Response to consideration under Heritage Act 2017.....	19
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1. Executive Summary

This Heritage Impact Statement (HIS) has been prepared on behalf of PRB Nominees Pty Ltd to assess the potential heritage impacts to accompany a heritage permit application for the installation of external lighting at land described as Mount Ophir Estate, addressed as 362 Green Lane, 168 Stillards Lane, and 151 Burgoynes Road, Rutherglen.

The site is included within the Victorian Heritage Register as having state significance.

A HIS, together with supporting information, addresses; why the item is of heritage significance, what impact the proposed works will have on that significance, what measures are proposed to mitigate negative impacts, and why more sympathetic solutions are not viable.

This HIS has been prepared to assess the impacts associated with the development on the subject item, but also the heritage context in which the subject property is located.

The proposal has been assessed with regards to the identified heritage values and available physical and documentary evidence, including a visual inspection of the site and statutory planning requirements.

2. Introduction

2.1. Context of the report

This HIS has been prepared on behalf of PRB Nominees Pty Ltd to assess the potential heritage impacts to accompany a permit application to Heritage Victoria, which seeks approval for a lighting installation to the Mount Ophir Winery building at Mount Ophir Estate.

The report considers:

1. What impact the proposed works will have on the identified heritage significance;
2. What measures are proposed to mitigate negative impacts;
3. Why more sympathetic solutions are not viable; and
4. Recommendations to mitigate heritage impacts.

2.2. Methodology

This report has been prepared in accordance with the general methodology and guidelines set out in the Heritage Victoria publication '*Guidelines for preparing heritage impact statements*'.

The overarching philosophy and approach to this report is guided by the conservation principles and guidelines of the Australian ICOMOS *Charter for the Conservation of Places of Cultural Significance (Burra Charter)* 2013.

A visual examination of the subject site has been undertaken, which is followed by a merit and significance-based desktop assessment of the development proposal.

The potential, actual and / or perceived heritage impacts stemming from the development proposal have been assessed with reference to the *Heritage Act 2017*.

2.3. Limitations

This Heritage Impact Statement:

- Considers the site, external structures that were visually and physically accessible by Habitat on the day of the inspection,
- Is limited to the investigation of the non-Aboriginal cultural heritage of the site. Therefore, it does not include any identification or assessment of Aboriginal significance of the place.
- Does not provide an archaeological assessment of the site.
- Has been prepared relying on existing historical research and significance assessment. No further research or assessment has been undertaken. Subsequently, the heritage impact assessment of this report is based upon the previously assessed heritage values.
- Does not provide a structural assessment or advice. Should structural certification or assessment be required, then the application may be complemented by a report from a structural engineer.

2.4. Physical Evidence

All photography used in **Section 3** of this report was provided by Mount Ophir Estate.

A visual examination of the site and neighbourhood was undertaken by Habitat Planning in May 2023.

3. Site Assessment

3.1. Context

The subject land is formally identified as Crown Allotments 298, 299, 300, 300A, and 301 in the Parish of Chiltern West, and addressed as 362 Green Lane, 168 Stillards Lane, and 151 Burgoynes Road, Rutherglen. The land is located approximately 5.7km south-east of the township of Rutherglen in a rural area.

The subject site is shown in context within **Figure 1** and **Figure 2** below.



Figure 1 | Context map (VicPlan, 2024)

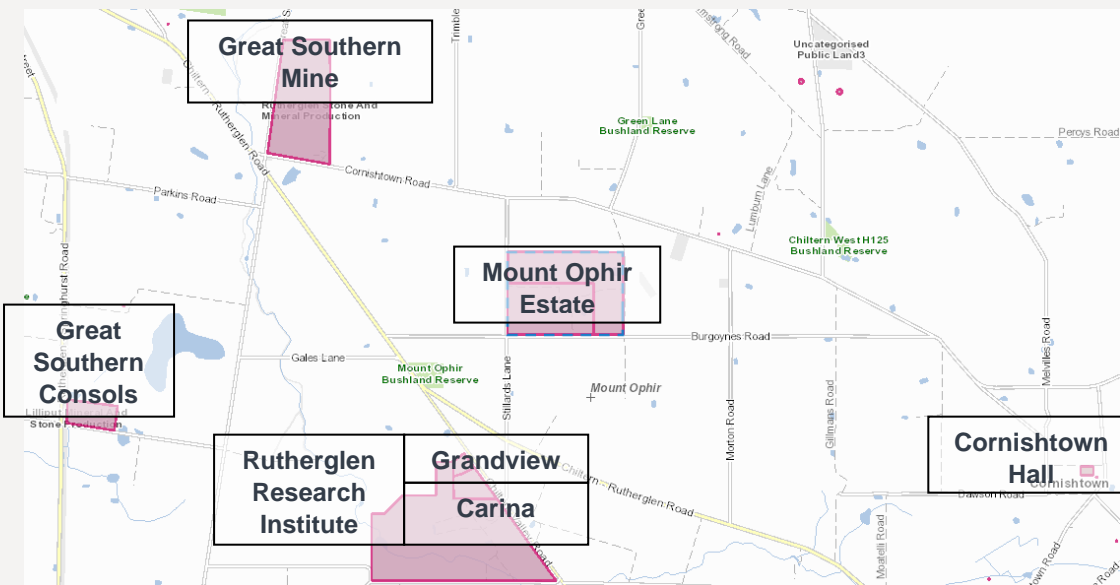


Figure 2 | Map of surrounding heritage items (Source: VicPlan 2024)

3.2. Site Description

The subject site (“the site”) is a rural allotment within an established rural setting. It adjoins Burgoynes Road in the south, Green Lane in the east, and Stillards Lane in the west.

The site is regular in shape comprising a total area of 58.57 hectares with frontages to Burgoynes Road, Green Lane and Stillards Lane of 906 metres, 645 metres and 645 metres respectively. Vehicle access is provided to the site via all three road frontages; however, heavy vehicles typically enter via Green Lane, with passenger vehicles entering via Stillards Lane.

The site contains several buildings, including a dwelling, winemaker’s cottage, picker’s cottage, two more residences at the southern and western entries, stables, and the main winery building (which includes a function centre). There are also seven dams scattered around the site. The parts of the site that do not contain buildings are used for grazing or cropping, including vineyards.

The function centre is approved to operate from 9am to 12am, with a maximum of three functions per week and a maximum number of patrons of 200 per day.



Figure 3 | Aerial Map (Source: Nearmap December 2023)



Figure 4 | Aerial view of development area (Source: Nearmap December 2023)



Figure 5 | View of existing winery building (Source: Mount Ophir Estate, 2020)



Figure 6 | North-east corner of building



Figure 7 | South-west corner of building



Figure 8 | South-east corner of building



Figure 9 | North-east corner of building

3.3. Integrity and condition

The integrity of a site, in terms of its heritage significance, can exist on a number of levels. For instance, a site may be an intact example of a particular architectural style or period and thus have a high degree of significance for its ability to illustrate that style or period.

Equally, heritage significance may arise from a lack of architectural integrity where the significance lies in an ability to illustrate an important evolution to the building or change in use.

While a structural assessment is beyond the scope of this report, a non-invasive visual inspection of the exterior has been undertaken, which identifies that the building is maintained in a high quality condition.

The most prominent feature of the building is the tower in the south-western corner, which extends one to two storeys above the remainder of the building. However, the entire exterior of the building provides a consistent built form with face brick and arched windows, as well as original signage.

4. Heritage Listing Status

4.1. Victorian Heritage Register

Mount Ophir Winery is included in the Victorian Heritage Register (VHR) as a state significant heritage item, referenced as H0334. Its listing includes the land, buildings (exteriors and interiors), driveways, trees, dams and landscape elements, early winemaking infrastructure, setting and other features, as well as all fixtures attached to the buildings at the time of registration.

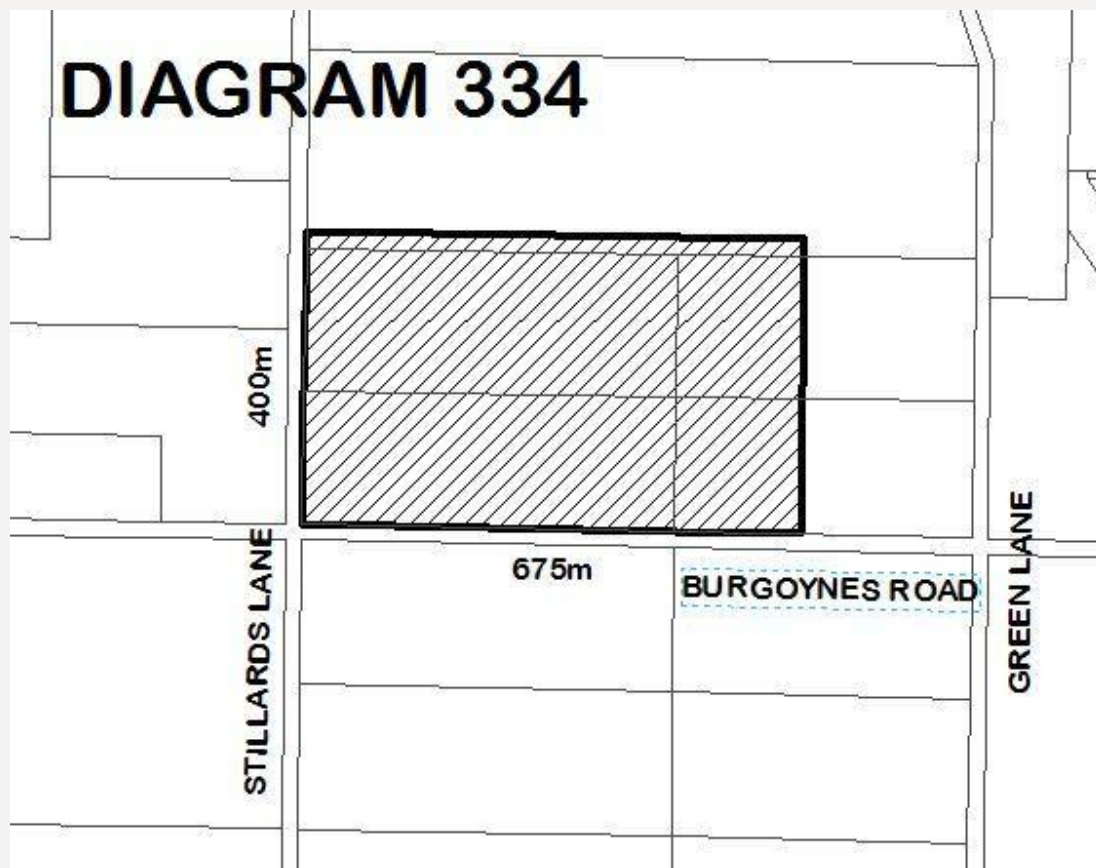


Figure 10 | VHR Heritage mapping

4.2. Indigo Planning Scheme

Pursuant to the Indigo Planning Scheme (“the planning scheme”), the property is included within the Heritage Overlay, listed as HO108 and HO816. HO108 applies to the main buildings and to the same extent of the VHR listing, whereas HO816 applies to the balance of the land.

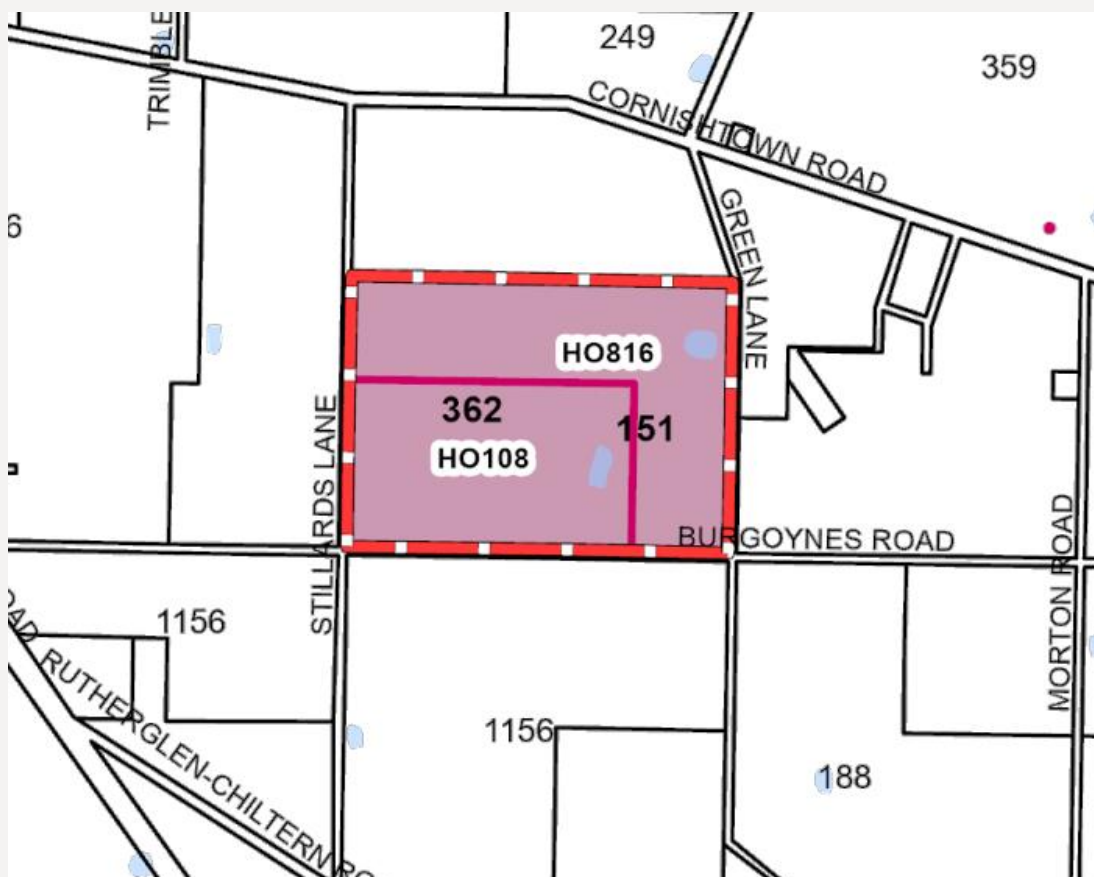


Figure 11 | Extract of Heritage Overlay mapping

Pursuant to the Heritage Overlay, no planning permit is required under this overlay to develop a heritage place which is included in the VHR.

4.3. Statement of Significance

The Statement of Significance for the site as extracted from the VHR listing is reproduced below:

WHAT IS SIGNIFICANT?

The Mount Ophir Winery complex including the land, buildings (exteriors and interiors), driveways, trees, dams and landscape elements, early winemaking infrastructure, setting and other features. The registration includes all fixtures attached to the buildings at the time of registration.

HOW IS IT SIGNIFICANT?

Mount Ophir Winery is of historical and architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects.

WHY IS IT SIGNIFICANT?

Mount Ophir Winery is significant at the State level for the following reasons:

Mount Ophir Winery is historically significant for its clear association with the development of vineyards and wine production in Victoria. It was a sizeable vineyard and influential winery and is indicative of the expansion of the winemaking industry in Victoria and the growth of wine as an export industry. This association is evident in the physical fabric of the place - including the distinctive winery building, array of early residences and outbuildings, and early wine production facilities. [Criterion A]

Mount Ophir Winery is architecturally significant as a notable example of a winery complex. The substantial central winery building is of fine and distinctive design with picturesque curved gables and prominent cylindrical tower. It incorporates fermentation vats, winemaking rooms, cellars and former office from the early decades of the winery's establishment. It forms the centre of a largely intact winemaking complex that displays the principal characteristics of a place of its class and is of a level of intactness that enables the processes of winemaking to be well understood. [Criterion D]

5. Development Proposal

5.1. Plans and drawings

This Heritage Impact Statement provides an assessment of the development proposal as shown on the plans prepared by Mount Ophir Estate, dated 15 August 2021.

5.2. Overview

The application seeks approval for the installation of 8 x shielded external lights to be affixed to each corner of the function centre building, as shown on the following plan:

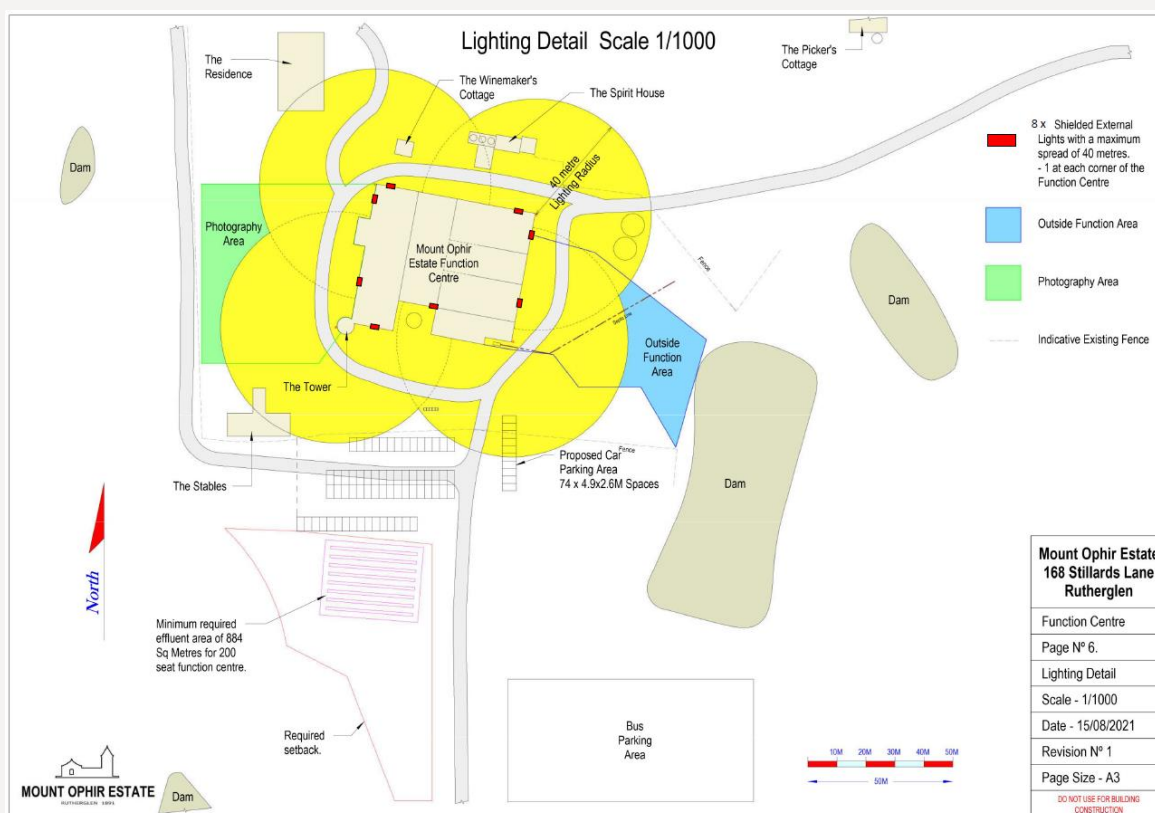


Figure 12 | Extract of lighting plan

The lights will be installed to provide a 40-metre spread around the building, and provide security to the surrounding areas during and after functions.

The proposed lighting installations will be affixed to the building in the most appropriate locations to emit the light required to provide security. However, methods of affixing will respond to the heritage significance of the building, and be strategically located to be affixed to the parts of the exterior that are less susceptible to damage, rather than the brick face of the building.



Figure 13 | Example of proposed lighting

5.3. Options considered

As the building is best observed as a whole, options such as free-standing lighting posts that would obscure the view of the building were not considered to be a viable option. The most viable option to maintain the significance of the building were to install modest lighting fixtures to the exterior of the building in discrete locations that will not detract from the building, however, will also highlight the aesthetic qualities of the building at dusk and after dark. All care will be taken when affixing the lighting fixtures to the building, and the locations at which the lights will be placed have been selected as the most appropriate locations that will not unreasonably impact the building.

6. Heritage Framework

6.1. Heritage Act 2017

The Heritage Act 2017 (“the Act”) was established to:

- a) *to provide for the protection and conservation of the cultural heritage of the State; and*
- b) *to establish a Victorian Heritage Register for the registration of places and objects; and*
- c) *to establish a Heritage Inventory for the recording of archaeological sites and approved sites of archaeological value; and*
- d) *to establish a Heritage Council to perform functions in relation to cultural heritage; and*
- e) *to establish a Heritage Fund to provide for the conservation and management of cultural heritage; and*
- f) *to provide for the management of places included in the World Heritage List; and*
- g) *to create offences and other enforcement measures to protect and conserve cultural heritage.*

Pursuant to section 93 of the Act, a person may apply for a permit to carry out works or activities in relation to a registered place or registered object.

As the site is included within the VHR, the site is a registered place and accordingly a permit is required to carry out works. Part 5 of the Act prescribes several requirements relating to the assessment of permit application, including relevant considerations.

6.2. The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013

The Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988, 26 November 1999 and 31 October 2013. The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members. Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

7. Heritage Impact Assessment

7.1. Consideration of the Heritage Impact

The ensuing heritage impact assessment is based upon the available physical and documentary evidence including a visual inspection of the site and statutory planning requirements.

Heritage Victoria has published several guidelines relating to the assessment of heritage impacts, and this assessment is conducted with consideration of these.

The site is known to be of historical and architectural significance to the State of Victoria, and for these reasons care must be taken to avoid impacts on the external fabric of the building. It is noted that some of the key attributes of the building include the curved gables and cylindrical tower, and that the building has been maintained in a high quality condition as an homage to its rich history.

As the building is best observed as a whole, options such as free-standing lighting posts that would obscure the view of the building were not considered to be a viable option. The most viable option to maintain the significance of the building were to install modest lighting fixtures to the exterior of the building in discrete locations that will not detract from the building, but will also highlight the aesthetic qualities of the building at dusk and after dark. As outlined earlier in this report, all care will be taken when affixing the lighting fixtures to the building, and the locations at which the lights will be placed have been selected as the most appropriate locations that will not unreasonably impact the building.

Potential impacts include damage to the exterior fabric of the building. However, this is intended to be managed by engaging with a suitably qualified electrician to select the least intrusive methods of attachment, and ideally to avoid drilling into or removing exterior brickwork. A qualified heritage advisor may also be present on-site during installation to provide advice and guidance on the most appropriate ways to preserve the fabric of the building.

7.2. Response to relevant considerations

Pursuant to section 101 of the Heritage Act 2017, the following must be considered before determining an application for a permit.

Table 1 | Response to consideration under Heritage Act 2017

Consideration	Response
<p>(a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object;</p>	<p>As above.</p>
<p>b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object;</p>	<p>The proposed lighting is intended to provide a safe and secure environment for staff and patrons during and after events occurring after dark. The operator is legally obligated to provide lighting to these areas to allow for safe movements throughout and around the property, particularly noting that the function centre is approved to operate until 12am.</p>

<p>(c) any submissions made under section 95 or 100;</p>	<p>All relevant submissions will be considered by the assessing officer.</p>
<p>(d) if the applicant is a public authority, the extent to which the application, if refused, would unreasonably detrimentally affect the ability of the public authority to perform a statutory duty specified in the application;</p>	<p>N/A – applicant is not a public authority.</p>
<p>(e) if the application relates to a listed place or to a registered place or registered object in a World Heritage Environs Area, the extent to which the application, if approved, would affect—</p> <p style="padding-left: 40px;">(i) the world heritage values of the listed place; or</p> <p style="padding-left: 40px;">(ii) any relevant Approved World Heritage Strategy Plan;</p>	<p>N/A – site is not a listed place or a registered place or object in a World Heritage Environs Area.</p>
<p>(f) any matters relating to the protection and conservation of the registered place or registered object that the Executive Director considers relevant.</p>	<p>All relevant matters have been considered.</p>

8. Conclusions and Recommendations

8.1. Conclusion

Having considered all relevant matters for consideration in this report, the proposed lighting installation at Mount Ophir Estate is considered to have an entirely acceptable heritage impact.

8.2. Recommendations

There are no specific design recommendations made with regards to the proposed development.

Appendix A: Owner's Consent

Appendix B: Proposed Plans
