

**Yarra Ranges Planning Scheme Amendment C207yan
Lilydale Heritage Gap Study Review**

Panel Report

Planning and Environment Act 1987

11 August 2023

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Yarra Ranges Planning Scheme Amendment C207yan

Lilydale Heritage Gap Study Review

11 August 2023



Tim Hellsten, Chair

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Glossary and abbreviations

Council	Yarra Ranges Shire Council
DELWP	Department of Environment, Land, Water and Planning
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Yarra Ranges Planning Scheme
PPN01	<i>Planning Practice Note 1: Applying the Heritage Overlay, August 2018</i>
TPZ	Tree Protection Zone

Overview

Amendment summary

The Amendment	Yarra Ranges Yarra Ranges Planning Scheme Amendment C207yan
Common name	Lilydale Heritage Gap Study Review
Brief description	<p>The Amendment proposes to implement the recommendations of the <i>Lilydale Stage 1a Heritage Gap Study Peer Review</i> and <i>Review of Stage 1b Lilydale Heritage Review Gap Study: Lilydale Heritage Study</i> by:</p> <ul style="list-style-type: none"> - applying the Heritage Overlay (HO) to 13 individual heritage places - amending the curtilage of three heritage places (HO77, HO214, HO401) - removing the allowance for prohibited uses for two heritage places (HO203 and HO213) - identifying new or amended incorporated statements of significance in Clause 43.01 and Clause 72.04 - identifying 19 heritage citations in Clause 72.08 - amending the <i>Lilydale Street Trees Incorporated Management Plan</i>
Subject land	Various parcels in Lilydale (Refer Table 1 and Figures 1 and 2)
Planning Authority	Yarra Ranges Shire Council
Authorisation	10 October 2022 (Conditional – see Table 2)
Exhibition	10 November to 12 December 2022
Submissions	<ol style="list-style-type: none"> 1. Owners of 57 Warburton Highway 2. Apollo Connection Pty Ltd 3. Lilydale & District Historical Society 4. Victorian School Building Authority 5. VicTrack

Panel process

The Panel	Tim Hellsten
Directions Hearing	Videoconference, 13 June 2023
Panel Hearing	Lilydale Community Link, 15 Anderson Street, Lilydale, 1 August 2023
Site inspections	Unaccompanied, 18 May 2023
Parties to the Hearing	<p>Yarra Ranges Shire Council represented by Kris Hansen who called heritage evidence from Michelle Bashta of Extent Heritage</p> <p>Apollo Connection Pty Ltd represented by Robert Williams of Human Habitats who called arborist evidence from Mark Reynolds of Arbor Survey</p> <p>Sue Thompson, President, Lilydale & District Historical Society</p> <p>Owners of 57 Warburton Highway</p>
Citation	Yarra Ranges PSA 207yan [2023] PPV
Date of this report	11 August 2023

Executive summary

Yarra Ranges Planning Scheme Amendment C207yan (the Amendment) seeks to implement the recommendations of two peer reviews of heritage gap studies for Main Street Lilydale and surrounding areas in 2019. Specifically, the Amendment proposes to:

- apply the Heritage Overlay to 13 individual heritage places
- amend the Heritage Overlay curtilage of three existing heritage places
- introduce Statements of Significance for 13 new and 6 existing heritage places as incorporated documents and 19 heritage place citations as background documents
- amend the *Lilydale Street Trees Incorporated Management Plan* (August 2007)
- make associated changes to the schedules to the Heritage Overlay, Clause 72.04 (Documents Incorporated in this Planning Scheme) and Clause 72.08 (Background Documents).

The Amendment was exhibited and received five submissions, with two offering no objection and one supporting submission. Two submissions opposed the extent or application of the Heritage Overlay to the following proposed heritage places:

- Former Deschamps Wine Store Olive Tree, 2-4 Albert Hill Road, Lilydale (HO437) which proposes a 15-metre radius tree protection zone
- 'Heatherlie', 57 Warburton Highway, Lilydale (HO441).

The key issues raised in opposing submissions relate to:

- the extent of the Heritage Overlay curtilage for the olive tree
- the intactness and integrity of identified elements of significance at 'Heatherlie'
- the impact on development or undertaking maintenance, repairs and alterations.

The submission of the Lilydale & District Historical Society proposed changes to most of the citations to correct errors or add information.

The Panel concludes that the Amendment is supported by the Planning Policy Framework and the Heritage Extent peer reviews that underpin it which are appropriately robust. The Amendment and Statements of Significance have been prepared in a manner consistent with the relevant Ministerial Directions and Planning Practice Notes.

Former Deschamps Wine Store Olive Tree

The Panel concludes:

- The Olive Tree at 2-4 Albert Hill Road, Lilydale is of historical significance and should be included in the Heritage Overlay (HO437).
- The proposed curtilage of HO437 is excessive and not justified and should be reduced to 5.9 metres measured from the centre of the tree trunk.
- The place Statement of Significance and citation be amended to reflect the recommended reduced curtilage.

'Heatherlie'

The Panel concludes:

- 'Heatherlie' at 2-4 Albert Hill Road, Lilydale is of historical, aesthetic and associative significance and should be included in the Heritage Overlay (HO441).

- The Heritage Overlay Schedule should be amended to refer to pine trees along the driveway rather than extending tree controls across the entire place.
- The proposed post-exhibition changes to amend the Heritage Overlay Schedule to identify the bakery and worker's cottage and front boundary wall and gate as 'Outbuildings or front fences not exempt under Clause 43.01-4' are not justified and not supported.
- The place citation should be amended to correct references to the bakery roof materials, reflect the recommended tree controls and generally include the changes identified in the heritage evidence of Ms Bashta of Extent Heritage.

Citations

The Panel supports the response of Ms Bashta in her evidence to the citation changes proposed by the Lilydale & District Historical Society. These changes are minor in nature and do not impact on the level of significance attributed to the places.

The Panel accepts citations serve a useful role as background documents. They should be consolidated into a single background document rather than being individually listed in Clause 72.08.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Yarra Ranges Planning Scheme Amendment C207yan be adopted as exhibited:

1. **Amend the Heritage Overlay curtilage of HO437 to a radius of 5.9 metres from the tree trunk centre.**
2. **Amend the Heritage Overlay Schedule to refer to *'The pine (Pinus) trees lining the driveway'* in the 'Tree controls apply' column.**
3. **Amend Schedule 1 to Clause 72.08 (Background documents) to consolidate all proposed citations into a single background document.**
4. **Amend the *Former Deschamps Olive Tree, 2-4 Albert Hill Road, Lilydale Statement of Significance, June 2022* to delete the words "and its 15m tree protection zone" under the heading 'What is significant?'**
5. **Amend the *Heatherlie, 57 Warburton Highway, Lilydale Statement of Significance, June 2022* to add the word 'as' after the words "associative significance" under the heading 'How is it significant?'**
6. **Amend the *Former Deschamps Olive Tree, 2-4 Albert Hill Road, Lilydale Citation (Extent heritage Pty Ltd, December 2021)* consistent with the recommended changes to the Statement of Significance and to include a revised curtilage map.**
7. **Amend the *Heatherlie, 57 Warburton Highway, Citation, June 2022* to include changes:**
 - a) **to identify the correct bakery building roof materials**
 - b) **amend the 'Recommended Heritage Controls' Table to identify that tree controls only apply to the pine trees along the driveway**
 - c) **consistent with Appendix C of this Report except for the proposed changes to 'Recommended Heritage Control' Table for outbuildings and fences.**
8. **Amend the citations consistent with the changes identified in Table 4 of this Report.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the recommendations of peer reviews by Extent Heritage prepared in 2021 for Yarra Ranges Shire Council (Council) of two 2019 heritage gap studies:

- *Main Street Heritage Review 2019 – A Heritage Gap Study* (Trevor Westmore Urban Design and Heritage Conservation, 2019)
- *Lilydale Heritage Review – Stage 2* (Trevor Westmore Urban Design and Heritage Conservation, 2019).

Specifically, the Amendment proposes to:

- apply the Heritage Overlay to 13 individual heritage places
- amend the Heritage Overlay mapped curtilage of three existing heritage places (HO77, HO214 and HO401)
- amend the Heritage Overlay Schedule to:
 - reference Statements of Significance for the 13 new and six existing heritage places
 - amend the description of three places (HO77, HO203 and HO401)
 - remove the allowance for prohibited uses for two heritage places (HO203 and HO213)
- amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to:
 - include Statements of Significance for 13 new and six existing places
 - update the version date of the *Lilydale Street Trees Incorporated Management Plan (August 2007)* to *Lilydale Street Trees Incorporated Management Plan, August 2007 (updated October 2022)*
- amend the Schedule to Clause 72.08 (Background Documents) to include heritage citations for 19 heritage places
- amend the Lilydale Street Trees Incorporated Management Plan (August 2007) to:
 - include a new date
 - align its application with the amended description of heritage place HO401
 - replace the ‘Statement of Significance’ and ‘Elements of Particular Significance’ sections with a ‘Description of Significance’ that refers to the amended incorporated Statement of Significance.

(ii) The subject land

The Amendment applies to 14 private properties (including 11 commercial premises and 3 residential properties), six road reserves and a recreation reserve containing identified street trees, a public building, a public school, a public memorial and recreational cycle trail as identified in Table 1. Six of these sites are currently identified as heritage places, with Table 1 summarising the proposed change. The places affected by the Amendment are mapped in Figures 1 and 2 with the heritage place descriptions identified in Table 1.

Table 1 Land subject to Amendment

Description of place	Address	Proposed HO place number or change to existing HO place
Proposed places		
Olinda Hotel	161 Main Street, Lilydale	HO431
Former Hutchinson's Store	251 Main Street, Lilydale	HO432
Crown Hotel	267 Main Street, Lilydale	HO433
Beresford Buildings	279-281 Main Street, Lilydale	HO434
Artis Building	284 Main Street, Lilydale	HO435
Single storey shop	295 Main Street, Lilydale	HO436
Former Deschamps Wine Store Olive Tree	2-4 Albert Hill Road, Lilydale, and small section of Cave Hill Road adjoining	HO437
Lilydale First World War Memorial	Main Street, Lilydale	HO438
Willowbank	16 Crestway, Lilydale	HO439
Towri	1/33-61 Edinburgh Road, Lilydale	HO440
Heatherlie	57 Warburton Highway, Lilydale	HO441
Lilydale Primary School No. 876	63-65 Castella Street, Lilydale	HO442
Lilydale Heritage Railway Station Goods Shed	Maroondah Highway, Lilydale	HO443
Existing places		
Lilydale ('White Dog') Hotel	292 Main Street, Lilydale	Existing HO64 Include updated Statement of Significance
Queen's Jubilee Trees	Main Street, Lilydale	Existing HO77 - Queen Victoria Jubilee Avenue Remove Main Street land generally between Wynnlea Place and Lions Park from the curtilage (and include within HO401), correct place description in Clause 43.01 and include new Statement of Significance
Former W Johnston Bootmakers Shop/Residence	335 Main Street, Lilydale	Existing HO203 - W Johnson Bootmakers Shop/Residence (former) Remove allowance for prohibited uses in Schedule to Clause 43.01, correct place description and include new Statement of Significance

Description of place	Address	Proposed HO place number or change to existing HO place
Former Oliver’s Grocery Store/Lilydale Rural Supplies Shop	148 Main Street, Lilydale	Existing HO205 - Former Oliver’s Grocery Store/Lilydale Rural Supplies Shop Include updated Statement of Significance
Poon Kee’s Store (former)	172 Main Street, Lilydale	Existing HO213 Remove allowance for prohibited uses in Schedule to Clause 43.01 and include new Statement of Significance
Lilydale-Warburton Railway	Lilydale-Warburton Railway (former)	Existing HO214 Reduce curtilage to exclude the Historic Lilydale Railway Station rail stabling yard
Lilydale Historic Street Trees	Anderson Street, Castella Street, Clarke Street, Cave Hill Road (south), The Eyrie (part), Main Street (east), and the western boundary of Lilydale Recreation Reserve, Lilydale	Existing HO401 Increase curtilage to include areas of former HO77 and additional areas of Main Street, correct place description in Clause 43.01 and include updated incorporated plan and new Statement of Significance

Figure 1 Proposed Heritage Overlay map changes (HO401, HO431 – HO4395)

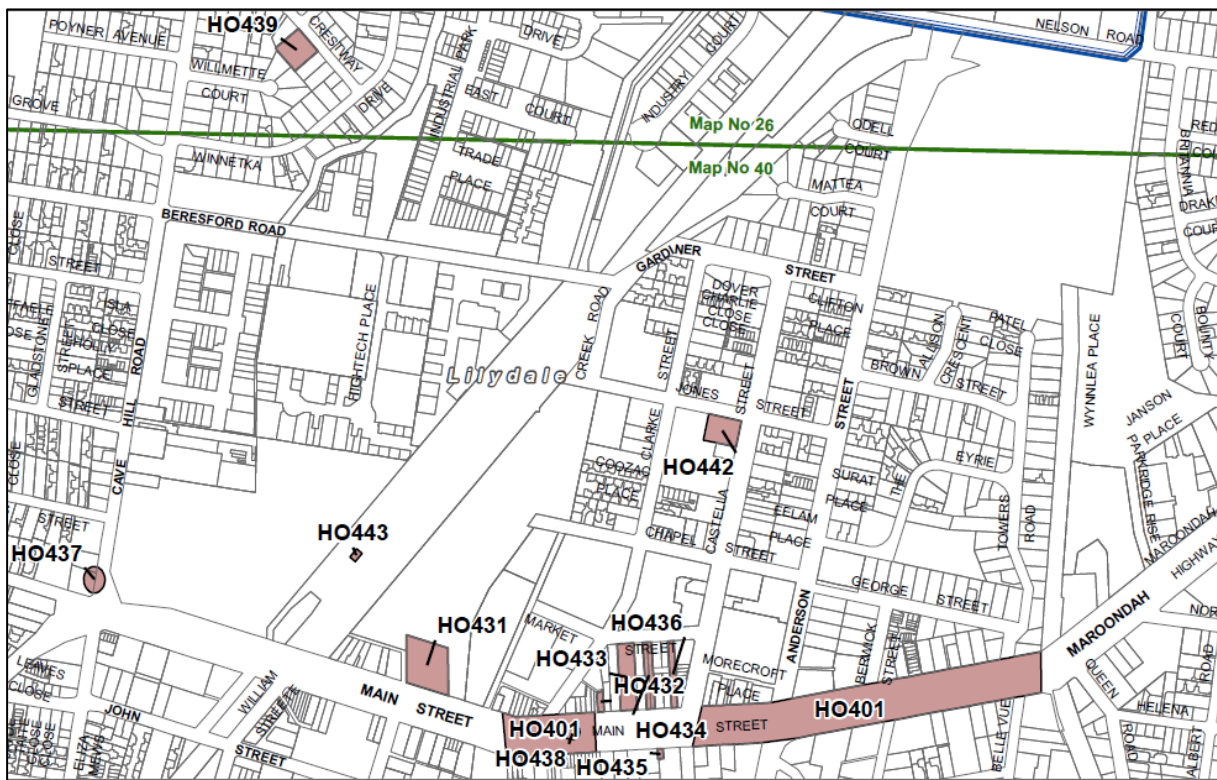


Figure 2 Proposed Heritage Overlay map changes (HO440 and HO441))

1.2 Background

Table 2 includes a background chronology of events relating to the Amendment.

Table 2 Chronology of events

Date	Event
24 Jan 2019	Council adopted the <i>Lilydale Place Plan</i> to guide decision making for Lilydale's future liveability, which included advocacy action for streetscape restoration and heritage. Through the preparation of this plan and the Lilydale Major Activity Centre Structure Plan, Council engaged Trevor Westmore Urban Design and Heritage Conservation to identify and assess gaps in heritage protection in Lilydale's Main Street and Lilydale surrounds
2019	<i>Main Street Heritage Review 2019 – A Heritage Gap Study</i> (Trevor Westmore Urban Design and Heritage Conservation, 2019) was prepared, which focused on Main Street between Anderson Street and Cave Road and the Lilydale town centre and included draft citations for 11 places <i>Lilydale Heritage Review – Stage 2</i> (Trevor Westmore Urban Design and Heritage Conservation, 2019) was prepared, which assessed nine places outside the town centre and recommended six be further assessed for inclusion in the Heritage Overlay
Sep 2021	Council engaged Extent Heritage to undertake a review of the two 2019 studies
Oct 2021	<i>Peer Review of Stage 1a Lilydale Heritage Review Gap Study</i> (Extent Heritage) was completed. It focused on the Main Street Heritage Review 2019 – A Heritage Gap to determine whether any of the nominated Main Street sites had the potential to meet thresholds for local significance and if any updates to the draft citations were required. It recommended eight sites (proposed HO431 – HO438 places) be included in the Heritage Overlay with updated citations, and three sites not be included
Nov 2021	<i>Peer Review of Stage 1b Lilydale Heritage Review Gap Study</i> (Extent Heritage) was completed. It focused on the Lilydale Heritage Review – Stage 2 and six places including houses, a school and the railway station. It recommended the Heritage Overlay be applied to five sites (proposed HO439 - HO443 places) and included

Date	Event
	citations for each, and recommended the overlay not apply to one site
Jan – Apr 2022	Revised citations prepared by Extent Heritage for HO64, HO77, HO203, HO205, HO213 and HO401 and curtilage of HO214 revised (Warburton Rail trail)
Dec 2022	Council adopts the Lilydale Major Activity Centre Structure Plan which recommends the implementation of the heritage gap studies and apply the Heritage Overlay to the peer review identified places
26 Jun 2022	Council requested the Minister for Planning to authorise preparation and exhibition of Amendment and to prepare an Amendment C206yan to apply interim controls under section 20(4) of the PE Act
10 Oct 2022	Authorised subject to conditions relating to changes to the Lilydale Street Trees Incorporated Management Plan 2007, minor corrections to the Heritage Overlay Schedule and particular statements of significance and citations and other changes to address document reference inconsistencies
10 Nov - 12 Dec 2022	Amendment exhibited
11 Apr 2023	Council considers submissions and resolves to request the appointment of an independent Planning Panel
13 Apr 2022	Council requests a Panel and refers submissions

1.3 The Panel's approach

Key issues raised in submissions were:

- the extent of the Heritage Overlay curtilage
- the intactness and integrity of identified elements of significance
- the impact of the Heritage Overlay on use and development or future alterations.

The submission of the Lilydale & District Historical Society (Submission 3) did not oppose the Amendment but identified corrections or provided information relating to 18 of the places identified.

The Victorian School Building Authority (Submission 4) did not indicate support or opposition for the Amendment but stated in relation to the Lilydale Primary School (proposed H0442):

I note that in developing land for education purposes, the Minister for Education is not bound by planning scheme requirements. This is pursuant to an exemption granted to the Minister by order under Section 16 of the *Planning and Environment Act 1987*.

VicTrack (Submission 5) offered no objection to the Amendment identifying:

We understand that the amendment proposes to apply the Heritage Overlay to 13 individual heritage places including to the Lilydale Station Goods Shed and amend the curtilage of other heritage places including HO214 which affect VicTrack land.

We have reviewed the amendment documentation in the context of the site and the rail corridor.

VicTrack wishes to advise that VicTrack does not object to the amendment of Heritage Overlay HO214 to remove a significant extent of the overlay from the stabling yards of the railway land.

VicTrack also does not object to the application of a Heritage Overlay HO443 to the Lilydale Goods Shed.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Individual heritage places
- Citations.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix B highlights key objectives of relevant provisions and policies.

Table 3 Planning context

	Relevant references
Victorian planning objectives	- section 4(1)(d) of the PE Act
Planning Policy Framework	- Clause 11.01-1S (Settlement), Clause 11.03-1L-02 (Lilydale Activity Centre) - Clauses 15.01-1 (Urban design), 15.01-5S (Neighbourhood character) and 15.03-1S (Heritage conservation)
Municipal planning strategy	- Clause 02.01 (Context) - Clause 02.03-1 (Settlement) - Clause 02.03-5 (Built environment and heritage)
Other planning strategies and policies	- Plan Melbourne Outcome 4, Direction 4.4, Policies 4.4.1 and 4.4.4
Planning scheme provisions	- Heritage Overlay
Ministerial directions	- Ministerial Direction – The Form and Content of Planning Schemes as identified at Section 7(5) of the <i>Planning and Environment Act 1987</i> - Ministerial Direction No. 9 – Metropolitan Planning Strategy - Ministerial Direction 11 – Strategic Assessment of Amendments
Planning practice notes	- Planning Practice Note 1: Applying the Heritage Overlay, August 2018 (PPN01)

2.2 Strategic justification

(i) Evidence and submissions

Council submitted that the Amendment was consistent with the objectives of planning in Victoria by protecting heritage places for the benefit of future generations. It considered the Amendment implemented the Planning Policy Framework including local policies and Plan Melbourne by identifying and conserving heritage places that were important to identify and the community.

No other submissions raised issues about the strategic justification for the Amendment.

(ii) Discussion and conclusions

The Panel considers that the Amendment is supported by the Planning Policy Framework and the Heritage Extent peer reviews that underpin and which are appropriately robust. The Amendment and Statements of Significance have been prepared in a manner consistent with PPN01 and relevant Ministerial Directions.

The Amendment will deliver net community benefit and sustainable development as required by Clause 71.02-3 by preserving tangible elements of Lilydale's heritage for the appreciation of current and future generations.

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Individual heritage places

3.1 2-4 Albert Hill Road, Lilydale (HO437)

Exhibited Statement of significance



What is significant?

The olive tree and its 15m tree protection zone at 2-4 Albert Hill Road, Lilydale, is significant. The wider setting of the tree, comprising the concrete carpark surface and asphalt surface on Cave Hill Road, is not significant.

How is it significant?

The tree is of local historical significance to the township of Lilydale and Yarra Ranges Council more broadly.

Why is it significant?

The Olive Tree is of historical significance to the township of Lilydale as a remnant planting dating from the 1880s, associated with the former Deschamps Wine Store. It is considered to be one of the oldest remaining trees planted in the township of Lilydale. **(Criterion A)**

(i) The issues

The issues are:

- whether the Heritage Overlay should be applied
- whether the Heritage Overlay curtilage is appropriate.

(ii) Background

The place citation identifies the extent of the proposed curtilage (Figure 3).

Figure 3 Proposed Heritage Overlay curtilage for Olive tree at 2-4 Albert Hill Road, Lilydale (HO437)



Source: Olive tree at 2-4 Albert Hill Road, Lilydale Citation

The citation states:

- The Olive tree (circa 1880s) is a solitary remnant planting of a former group of trees along Cave Hill Road, adjacent to the former Louis Deschamps Wine Store (demolished in 1969).
- It is one of the oldest remaining trees planted in the township of Lilydale.
- It now stands in a small garden bed area within the Lilydale 7-Eleven Service Station and on the edge of the road reserve, surrounded by concrete paving (footpaths and driveway areas) and adjacent to an above ground fuel tank.
- The setting has changed, removing the original context of the tree from a single planting among many in a garden. It has moderate integrity.
- The tree has been assessed by Council's Arborist in November 2021 and was described as reflecting its historical growing environment and pruning practices of the 19th and early 20th centuries. While the upper crown is thinning, it is responding to environmental stresses and experiencing growth at its base and crown and is in:
the process of total reiteration, showing signs of good vitality and with limited pruning it is likely to reinvent its crown and continue living as a healthy tree for an additional hundred or more years. Overall, the tree is in good condition.

The Arborist recommended conservation measures that limited pruning to select epicormics that are closest to the footpath/car park exit to improve sight lines for exiting vehicles and to maintain tree viability and safe function of the car park.

The citation compares the tree with the Olive tree on Main Street (HO215) credited as being planted in the same late nineteenth century period and likely planted as part of a windbreak for a vineyard owned by John Hutchinson. Though the integrity of the Olive tree on Main Street is similarly compromised by a carpark, its canopy is far larger than the tree on Cave Hill Road. Both

trees are nineteenth century remnant plantings reflecting the thematic narrative of wine production in Lilydale and are equally significant as some of the oldest remnant 19th century plantings remaining in the township.

(iii) Evidence and submissions

The Lilydale & District Historical Society submitted the Olive tree is an intrinsic part of Lilydale's historical fabric. It is one of the oldest living monuments to Lilydale's vineyard and market garden past and of the contribution of the Deschamps family, Swiss pioneering vignerons.

Apollo Connection Pty Ltd did not oppose the heritage significance of the tree but considered the proposed curtilage was excessive and did not account for:

- its condition and restricted growing environment
- the changed context and setting of the tree which now comprised concreted carpark and driveways, a gas fuel tank and service station
- the site's Commercial 2 Zone and capacity for further development.

Ms Bashta of Extent Heritage provided heritage evidence for Council. It was her evidence that:

- the tree was one of the earliest remnant plantings in Lilydale and had a historical association with the former Deschamps Wine Store
- the proposed curtilage reflected Council's arborist's advice for a TPZ and PPN01 which sought to provide an appropriate setting and provide a trigger for works in the vicinity of the tree
- the curtilage applied was consistent with other places in the municipality including the comparative tree at 16-118 Main Street Lilydale (HO215).

In response to cross-examination around the altered context of the tree and its health, Ms Bashta accepted that a reduced curtilage of 10 metres might be acceptable.

Council submitted that:

- its arborist considered a 15 metre tree protection radius remained the valid measure to determine the size of the curtilage based on the maximum TPZ calculated consistent with the *AS4970*
- the TPZ of a tree is derived from trunk diameter, something which is not static but changing constantly through the life of the tree and its overall condition should not determine the validity of its protection
- the larger curtilage was necessary to retain the setting and context of the tree and to regulate development in proximity to the tree
- a conservative approach was required that considered the tree's physical state and current setting and significant location within the town centre.

Apollo Connection Pty Ltd relied on an arborist assessment (*Arboriculture Assessment & Report*, Glen Waters Arboriculture, December 2022) provided with its initial submission and the evidence of Mark Reynolds of Arbor Survey to support a reduced curtilage of 3 metres.

The arborist assessment identified:

- the tree height, canopy spread, and trunk diameter would support a Tree Protection Zone (TPZ) of only 7.2 metres rather than 15 metres as proposed by Council
- the tree shows poor health, canopy thinning, dieback and deadwood and basal suckering with fair to poor structure
- hard stand areas were likely to inhibit root growth

- elements of the citation ('Physical Analysis') were inaccurate or incorrect including the likelihood of the tree regrowing a new trunk and canopy from the suckers or that limited pruning would 'reinvent' its crown and its estimated longevity
- the tree was likely to decline and have a 'useful life' expectancy of 10-15 years
- the proposed curtilage is not required to support the tree's health or growth as root growth was not possible under the concrete surfaces.

Mr Reynold's evidence was:

- the tree was over 150 years of age and was 6.5 metres in height with a canopy spread of 7 metres, with a basal diameter of 0.6 metres and trunk diameter of 0.40 metres at breast height
- the tree was in fair health, a fair-poor structure and 'useful life' expectancy of 25 plus years before it might impact infrastructure, but could live beyond 25 years if appropriately managed and dependent on climatic variables or any site contamination events
- the tree was in a very restricted growing environment with limited access to water resources and nutrient cycling which had limited its growth, however it had adapted to its growing conditions and poor management (pruning) to demonstrate good 'vigour' for its age and reasonably good 'vitality'
- the tree likely had a structural root zone of 2.7 metres (radius from trunk centre) and a TPZ of 5.9 metres based on Australian Standard *AS4970 Protection of trees on development sites*
- the tree would require another 200 years of growth to support a 15 metre TPZ, but was unlikely to grow much beyond its current height and canopy width due to its maturity and even if all the surrounding infrastructure was removed
- there was no sign of pavement lifting (on site or in the road reserve) suggesting the tree was effectively growing in a 2 metre radius 'pot'
- a modified TPZ of 3 metres would allow for root spread outside the structural root zone and would align with the edge of the thickest concreted area.

Mr Reynold's evidence included a plan showing the comparison of the proposed curtilage, a 5.9 TPZ, structural root zone of 2.7 metres and the proposed curtilage TPZ (Figure 4).

He considered the tree characteristics and growing conditions completely different to the comparator tree at 16-118 Main Street Lilydale (HO215). That tree was twice the height as the subject tree even though it was younger with a larger trunk diameter (0.97 metre at breast height), with roots extending under the asphalt carpark surface which was semi-pervious to water and oxygen.

Apollo Connection Pty Ltd submitted:

- the tree could still be viewed from the public realm consistent with its original setting
- the site was not a landmark site and other than the tree had no heritage value
- the tree was not prominent or of visual importance and the general public was unlikely to appreciate its significance
- there was already a trigger for buildings and works in the Commercial 2 Zone and a larger curtilage trigger was not relied on to enable the consideration of development impacts on the tree.

Figure 4 Tree Protection Zones



Source: Figure 5 Evidence Statement of Mark Reynolds (Document 11)

(iv) Discussion

The Olive tree at 2-4 Albert Hill Road no longer has a clear association with its original setting including the row of olives it was once part of, and the Deschamps Wine Street which has been demolished. However, the Panel accepts that as one of the earliest plantings within Lilydale and its historical relationship to the former wine growing activity that was a formative part of Lilydale’s settlement it meets the threshold criterion for historical significance (A). This threshold is in part supported by other early plantings within the Lilydale town centre that are in the Heritage Overlay and that it can be readily appreciated from the public realm.

The key issue is whether Council’s proposed 15 metre curtilage is appropriate.

The citation and Statement of Significance identify that the tree and its TPZ is significant. While the Panel accepts the tree is of historical significance, the TPZ isn’t. The TPZ is a tool for providing for an aboriginal approach rather than considering heritage significance.

PPN01 advises:

It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item. [Panel’s emphasis]

In this instance, the Panel considers the relevant factors in determining what the heritage curtilage should be are:

- the setting and context of the tree
- what requires management from a heritage perspective.

The setting and context of the tree has changed significantly over time. It is no longer part of a row of trees and does not have a building immediately adjacent to it (Figure 5 with the row of Olive trees shown within the red circle). While remaining highly visible from the public realm, it is in a more open setting and one that has curtailed its growth and vitality through the proximity of structures (fuel tank and guard rails) and thick concrete driveways and parking areas.

Figure 5 Deschamps Wine Store and Olive trees at 2-4 Albert Hill Road, Lilydale



Source: Figure 17 Evidence Statement of Michelle Bashta (Document 5). The Panel has added the red circle.

The Heritage Overlay curtilage will provide a trigger for a permit to remove, destroy or lop the tree and to undertake buildings and works. This enables the assessment of any impacts on the tree's significance. The Panel agrees that the location of buildings too close to the tree canopy may impact future growth or the appreciation of the tree and that some space around it is required. While the tree's condition or location in a Commercial 2 Zone and impact on future development is not relevant to whether it is of heritage significance, it is appropriate that the size of the curtilage:

- acknowledge that the tree does not have aesthetic significance and there is nothing significant about its surrounds or which are associated with its historical significance
- reflect the tree's growing conditions and that it is unlikely to be any significant root growth under the existing concrete paving
- based on the arboricultural evidence the tree is at a mature stage of its life and is not likely to grow in height or canopy spread
- acknowledges it remains highly visible within the Cave Hill Road and Albert Hill Road public realm view with much of its canopy located within the road reserve
- acknowledges that the subject land is in a commercial zone, with the proposed curtilage extending to almost 25 per cent of the property.

Given these considerations, the Panel considers the proposed 15-metre curtilage is unjustified, excessive and overly conservative. There is some logic in using a TPZ approach to inform a curtilage and ensuring that necessary space is provided to accommodate the health and growth of a tree. Given the tree has adapted to its existing growth constraints a much smaller curtilage is required to accommodate its growth and provide sufficient space around it to be appreciated and managed. On this basis, the 3 metre modified tree zone proposed by Mr Reynolds while suitable to accommodate the trees realistic growth, does not even contain the canopy or substantially extend into the road reserve where future works and structures could have greater impact on the tree's heritage values.

The 5.9 metre TPZ radius is a more logical basis for the curtilage as it provides space around the tree and its canopy, and extends only within the necessary part of the road reserve (confined to gas tank and guard rails and the driveway). The revised curtilage will require changes to the citation and Statement of Significance.

(v) Conclusions and recommendations

The Panel concludes:

- The Heritage Overlay (HO437) should be applied to the Olive tree at 2-4 Albert Hill Road, Lilydale because it achieves the threshold for local historical significance
- The curtilage of HO437 should be reduced to 5.9 metres, measured from the centre of the tree trunk.
- The Statement of Significance and citation should be amended to reflect the reduced curtilage.

The Panel recommends:

- **Amend the Heritage Overlay curtilage of HO437 to a radius of 5.9 metres from the tree trunk centre.**
- **Amend the *Former Deschamps Olive Tree, 2-4 Albert Hill Road, Lilydale Statement of Significance, June 2022* to delete the words "and its 15m tree protection zone" under the heading 'What is significant?'**
- **Amend the *Former Deschamps Olive Tree, 2-4 Albert Hill Road, Lilydale Citation (Extent heritage Pty Ltd, December 2021)* consistent with the recommended changes to the Statement of Significance and to include a revised curtilage map.**

3.2 'Heatherlie' 57 Warburton Highway, Lilydale (HO441)

Exhibited Statement of significance



What is significant?

The property at 57 Warburton Highway, Lilydale (otherwise known as Heatherlie) is significant. Specifically the form, scale, detailing and siting of the c.1938 Interwar Old English style residence, along with the formal entrance pine (Pinus) tree lined driveway, c.1939 front boundary wall and entrance gate, and remnant 1884 bakery and worker's cottage, is of local significance. Later alterations and additions are not significant.

How is it significant?

Heatherlie is of local historical and aesthetic significance to the township of Lilydale and Yarra Ranges Council more broadly. It also has associative significance as a residence designed by the reputed architect Bernard Sutton and one of the few remaining landscape designs by the prominent landscape gardener Paul Sorensen.

Why is it significant?

Heatherlie is historically significant to the township of Lilydale as a late nineteenth century homestead site that dates back to 1884 and still retains remnant outbuildings and plantings from this period. Evident as an expansive piece of land with a surviving workers cottage and bakery, as well as a formal entrance pine (Pinus) tree lined driveway from this period, the property not only illustrates the scale and operation of the late nineteenth century property but the lifestyle of more affluent families who settled in the area. Its substantial grounds, which have remained largely intact, also provide an insight into the town's settlement patterns prior to suburban development. The main interwar era residence serves to illustrate the proliferation of English Domestic Revival architectural styles in the Yarra Ranges Shire throughout the interwar period. **(Criterion A)**

Heatherlie is aesthetically significant for its visually striking and highly intact two-storey Interwar Old English residence set on heavily landscaped grounds. Key features contributing to its aesthetic value include its steeply pitched gabled roof forms, picturesque asymmetry, entrance portico contributing a sense of formality and elegance, brickwork quoining, rectangular massing, balanced fenestration and raised sitting on a retaining wall. The visual appeal of these architectural features is further enhanced by Heatherlie's carefully landscaped grounds, which comprise a mixture of mature ornamental plantings, wrought iron gateway with stone boundary wall that matches the landscaping around the residence, and formal entrance pine (Pinus) tree lined driveway. **(Criterion E)**

Heatherlie has associative significance as a residence designed by the reputed architect Bernard Sutton, who was known for his interwar revival designs across Victoria during the interwar period. Its grounds also comprise one of the few remaining landscape designs by the prominent landscape gardener Paul Sorensen, who was celebrated for his signature use of stone walling and skilful incorporation of mature trees and shrubs in garden design. **(Criterion H)**

(i) The issues

The issues are:

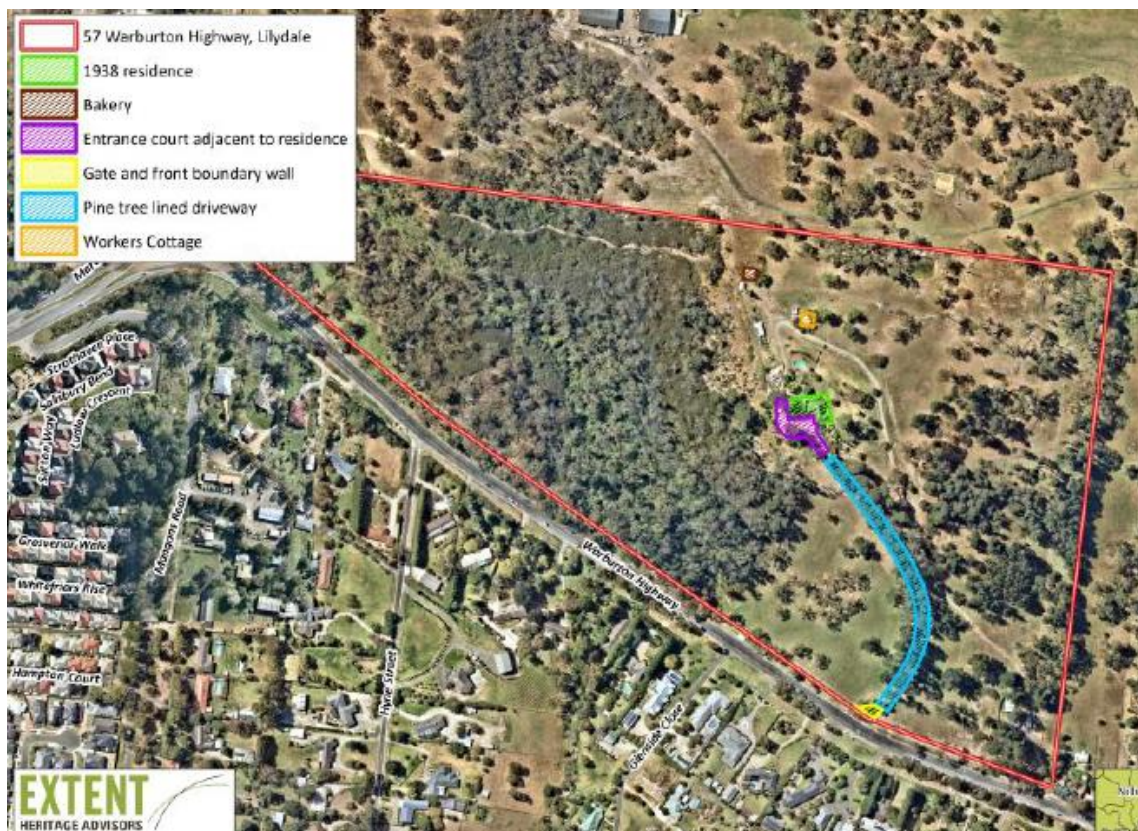
- whether the Heritage Overlay should be applied to the place
- whether the content of the Statement of Significance and citation are appropriate.

(ii) Background

The Amendment proposes to apply the Heritage Overlay to the entire property. The citation identifies that Heatherlie comprises (refer Figure 6):

- a substantial circa 1938 two-storey Interwar Old English residence designed in a restrained Interwar Old English style and constructed in 1939. The main dwelling is a rendered brick structure with strong, grounded massing over a long asymmetrical plan with a slate tiled clad steep pitched low gable and hipped roof and three wide rendered brick chimneys
- a formal entrance and driveway lined by pine (Pinus) trees that pre-date the current residence
- an interwar era wrought iron gateway with stone boundary wall
- circa 1882 late Victorian single storey, red brick and stone bakery building
- a simple single storey weatherboard worker's cottage with a hipped corrugated galvanised iron roof.

Figure 6 'Heatherlie' (HO441) curtilage and significant elements



Source: Michelle Bashta Evidence Presentation (Document 14)

(iii) Evidence and submissions

The owners of 57 Warburton Highway supported preserving and improving the property but opposed the application of the Heritage Overlay principally because the Statement of Significance did not:

- properly address the uniqueness of the property
- wrongly celebrates aspects that don't meet the traditional heritage criterion.

The submission did not support the designation of the following elements as significant:

- the pine trees lining the driveway, because they were unhealthy, at the end of their lives and dangerous
- the stone boundary wall, the repairs to which would be hindered by the Heritage Overlay
- the front entrance gate, which needed repair and widening (currently 2.5 metres wide) to accommodate emergency service vehicles, machinery and deliveries while the stone gate pillars needed modification to allow greater access
- the bakery outbuilding, which has been altered, is in a state of disrepair and needs to be reroofed and repaired. It has roofing materials different to those referenced in the citation
- the workers cottage, which was in poor condition and unworthy of retention
- the stone retaining walls around the residence, which were in poor condition and sections needed replacing as it has been refilled with concrete and not maintained
- the 1939 Sorensen landscaping elements, including stone walls which were largely no longer extant because of landscape works over successive years.

Mr Whitford submitted that:

- limited maintenance had been undertaken of the property before 2016
- the driveway was pot holed and patched
- the Amendment had been proposed without accessing the site and relying on a street view and other sources of information. The Amendment should not be supported to further assessment was undertaken
- many of the heritage elements could not be viewed from the public realm
- applying the Heritage Overlay added to the multitude of existing controls applying to the site including the Bushfire management Overlay, Environment Significance Overlay, Significant Landscape Overlay and Land Subject to Inundation Overlay
- VicRoads was unlikely to allow additional access and ground conditions limited opportunities for alternatives
- prohibited uses should be allowed, and outbuilding and fence notice exemptions should apply.

Council advised that despite a request, its heritage consultant had not been granted permission to inspect the property.

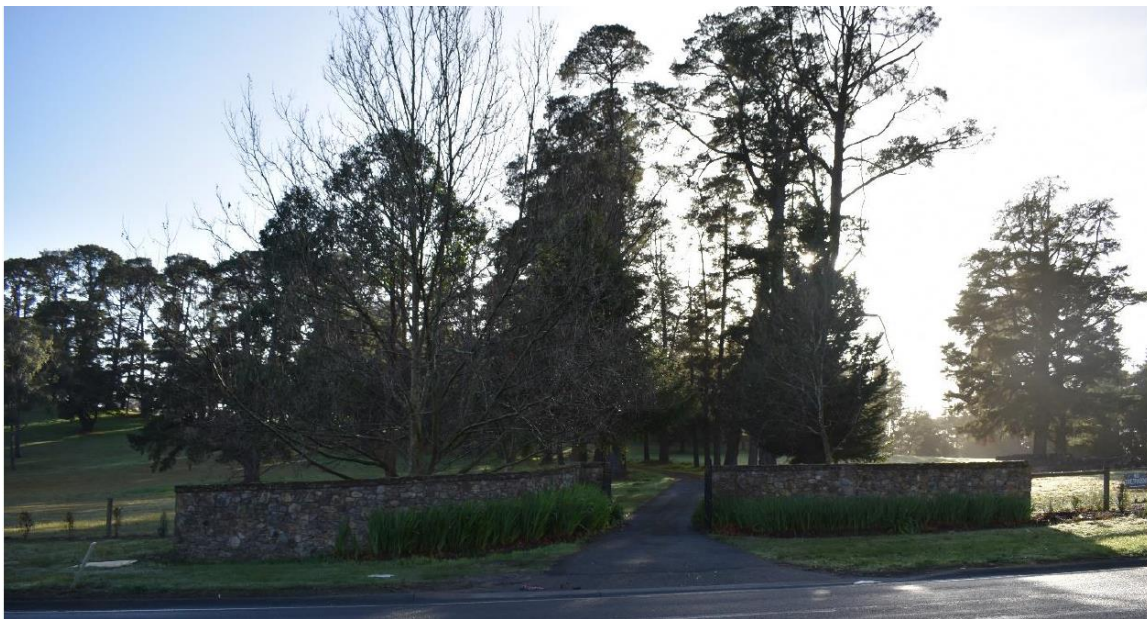
The Lilydale & District Historical Society submitted the Heritage Overlay should apply to the bakery building, noting that another similar place was not known in Lilydale. The submission included further information to support the heritage significance of the place.

Ms Bashta's evidence was:

- reliance on a range of secondary sources for undertaking heritage assessment was a legitimate and accepted approach

- the comparative analysis identified that the property was of particular interest because it retained elements of the initial 1884 development (workers cottage and pine tree lined driveway) as well as the intact and high quality interwar era residence and landscape treatment. This demonstrated two key periods of development in the Yarra Ranges Shire (early rural settlement and its popularity as an interwar holiday and residential destination featuring a number of high quality architect designed residences)
- the condition and health of the driveway plantings did not determine heritage significance
- the pines are a highly visible and striking landscape element that contribute to the setting, historical and aesthetic significance of the place and were an early landscape element that were retained in the 1939 Sorenson landscape plans
- the citation acknowledges elements of the Sorenson landscape design have changed
- many of the modern landscape elements, alterations and additions are not identified as significant
- the entry gate and wall are part of the 1939 landscaping elements and are highly visible and add to the understanding and setting of the property (refer Figure 7)
- the workers cottage and bakery demonstrate early rural lifestyle in Lilydale and contribute to its historical significance. The condition of the bakery and cottage did not reduce the extent to which they could be understood to be of the era or have the significance ascribed.

Figure 7 'Heatherlie' entrance gate and walls



Source: Figure 1 Evidence Statement of Michelle Bashta (Document 5)

Ms Bashta recommended:

- the front boundary wall and gate, remnant c1938 retaining walls, bakery and workers cottage be noted as in the Schedule to Clause 43.01 as 'outbuildings or fences which are not exempt under Clause 43.01-4' to correct an oversight in their omission. This would mean demolition or removal of these structures would not be exempt from notice and review
- the citation and Statement of Significance be revised to reflect her recommendations on fence and outbuildings exemptions, correct minor typographical errors and the changes

proposed in response to the Lilydale & District Historical Society submission and identified in her evidence statement.¹ Pages 1-8 of the revised citation containing the proposed changes are included in Appendix C of this Report.

Council supported the changes recommended by Ms Bashta. It submitted:

- the heritage values of the pine trees existed regardless of their condition
- some exemptions existed for the removal of vegetation presenting immediate risk of personal injury or damage to property but in any regard a permit application would enable both heritage and tree health issues to be properly considered
- the ability to provide for emergency vehicle access did not an impediment for providing heritage protection. Future access needs or changes to the gate or boundary wall could be considered through a permit process as well as the provision of an alternative access point beyond the walls
- repairs and maintenance of walls would not be prevented
- the condition of the bakery and workers cottage did not diminish their heritage value.

In relation to whether the tree Heritage Overlay schedule controls should specify the trees to be protected or whether the Statement of Significance should identify the trees that were not significant, both Council and Ms Bashta were open to either alternative.

(iv) Discussion

The Panel is satisfied that the material in the citation including comparative analysis in addition to the evidence of Ms Bashta supports Council's position that 'Heatherlie' meets the HERCON criterion threshold for historical (A), aesthetic (E) and associative (H) significance. The Panel has no issue with the methodology of preparing the citation and relying on materials and documentation gathered from research if a site inspection cannot be conducted, particularly if it is appropriately robust. The heritage assessment is robust, applies appropriate sources and has not sought to attribute significance to elements of the site in a manner that is overstated.

The residence

While the main dwelling has deteriorated as a result of neglect and lack of maintenance, the Panel is satisfied that its historical and aesthetic significance remains clearly intact and is highly representative of its interwar era which is enhanced through its landscape setting.

Bakery and worker's cottage

The bakery and workers cottage are important elements of the earlier phase of Heatherlie's development. While the Panel accepts that the buildings have not been maintained, have been altered and require potentially significant repairs it was not presented with information or evidence to suggest that their condition had impacted their integrity. The fact that they cannot be readily viewed from the public realm does not reduce their significance.

The Panel agrees with Council that the condition of the buildings or the need to undertake maintenance is not determinative of their heritage significance and is a matter for consideration at the planning permit stage. Based on the photographs provided by the owner, the citation and Statement of Significance should be amended to reflect the bakery building roof materials.

¹ Document 5

The Panel does not see any benefit in identifying the bakery and workers cottage as outbuildings that would not be exempt from notice and review provisions as proposed by Ms Bashta and supported by Council. While the Panel is not convinced either building to be classified an outbuilding (particularly the workers cottage) these structures are not elements of the site that are visible from the public realm. The usual full and proper assessment of impacts of any permit application is not impeded by the lack of notice. The Panel is not satisfied that Council has properly established the need for this provision to be switched on particularly given it was only proposed late in the Hearing process.

Boundary wall and fence

The front boundary wall and gates are a distinctive aesthetic element of the property and reflect the interwar period of activity.

While the issues of ensuring the site can be accessed by emergency vehicles is important it is not evident that this cannot be achieved by other means, including gates and secondary access points at either side of the wall. While Warburton Road is in a Transport 2 Zone and consent would be required from the road authority for secondary access, Council did not consider this unlikely or contrary to any local policies, rather it was a matter for the planning permit stage. The Panel agrees that future emergency access requirements are not to be determinative of the aesthetic significance of the walls and gate and whether they should be included in the Heritage Overlay. Alterations to them including repairs and maintenance can be considered at the planning permit stage. Again, the Panel considers it unreasonable to now propose to identify these elements as fences that are not subject to the usual exemptions for notice and review.

Stone walls

The Panel acknowledges that the stone walls from the interwar period in the residence gardens have been altered, repaired crudely in places or require rebuilding. This does not diminish their contribution to the interwar design and aesthetics of the residence and the Sorenson landscape design. As identified by Council, these elements are not identified as significant in the Statement of Significance. The permit process will provide an appropriate basis to consider any heritage impacts through repairs or alterations to them.

Pine trees

The row of pine planting along the driveway are a distinctive and important element of the historical and aesthetic significance of the place. The Panel agrees with Council that related safety issues are an important consideration in relation to the future management of the trees, but they are not determinative in relation to whether the trees are of heritage significance. These are issues appropriate for consideration at the planning permit stage. The Panel notes the permit exemptions for vegetation that presents an immediate risk of personal injury or damage to property.

Other trees

The Statement of Significance under 'What is significant' identifies only the pine trees along the driveway as significant. It does not identify whether any of the remaining Sorenson landscape design tree plantings are significant (although the associative significance is based on Sorenson) or if the extensive forested areas on the property are not significant.

One of the challenges in applying the Heritage Overlay to a large site, is that it may require a permit for peripheral buildings and works which are unrelated to the heritage fabric. The forested areas of the site beyond the house, outbuildings and garden setting are clearly not significant but are important to its setting and early history. However, their removal or lopping would require a permit which would likely result in the need for many permits over time. This is an unnecessary burden on the land owner and the responsible authority. While reducing the curtilage is not supported, two options to remedy this include:

- identifying the forested area vegetation as not significant under ‘What is significant?’ in the Statement of Significance
- identifying the vegetation that requires a permit in the Heritage Overlay Schedule.

The amended Statement of Significance approach would not reduce the need for a permit but should make the permit application and assessment process more straightforward. It is also consistent with PPN01. The Panel notes that removal or lopping of much of this vegetation may still need permits in any case under the Significant Landscape Overlay or the Environmental Significance Overlay controls that apply to the site.

It would be simpler and clearer to identify the trees that are affected by the tree control provisions through the Heritage Overlay Schedule. Council will need to determine if any of the Sorenson landscape design gum trees should be specifically identified, although the citation does not identify them as significant or provide sufficient information about whether they remain.

(v) Conclusions and recommendations

The Panel concludes:

- The Heritage Overlay (HO441) should be applied to ‘Heatherlie’ at 2-4 Albert Hill Road, Lilydale because it meets the local threshold of historical, aesthetic and associative significance.
- The Heritage Overlay Schedule should be revised to refer to pine trees along the driveway.
- The Heritage Overlay Schedule should not identify the bakery and workers cottage and front boundary wall and gate in the ‘Outbuildings or front fences that are not exempt under Clause 43.01-4’ column.
- Amend the Statement of Significance and citation to:
 - correct references to the bakery roof materials
 - make minor corrections and include additional information from the Lilydale & District Historical Society as proposed in Ms Bashta’s evidence (as identified in Appendix C of this Report) except for the proposed outbuilding and fence exemptions.

The Panel recommends:

- **Amend the Heritage Overlay Schedule to refer to ‘The pine (Pinus) trees lining the driveway’ in the ‘Tree controls apply’ column.**
- **Amend the Heatherlie, 57 Warburton Highway, Lilydale Statement of Significance, June 2022 to add the word ‘as’ after the words “associative significance” under the heading ‘How is it significant?’**
- **Amend the Heatherlie, 57 Warburton Highway, Citation, June 2022 to include changes:**
 - **to identify the correct bakery building roof materials**
 - **amend the ‘Recommended Heritage Controls’ Table to identify that tree controls only apply to the pine trees along the driveway**

- **consistent with Appendix C of this Report except for the proposed changes to 'Recommended Heritage Control' Table for outbuildings and fences.**

4 Citations

(i) The issues

The issues are whether the citations:

- are appropriate or require amendment to include additional information and corrections
- should be included as background documents.

(ii) Evidence and submissions

Lilydale & District Historical Society provided additional information to correct or augment the citations as well as correct the source references to the Lilydale & District Historical Society.

Table 4 summarises the key changes sought for 19 places. Ms Bashta's response contained in her evidence:

- generally agreed to all the changes and their inclusion in updated citations considering they had no material impact on what was significant and why
- sought to review further material to determine the appropriateness of inclusion
- did not support one change which she considered unnecessary (HO437).

Table 4 Changes sought by Lilydale & District Historical Society and heritage evidence response

Place	Change proposed	Evidence response
Lilydale ('White Dog') Hotel (HO64)	Identify source as F Bramich	Amend to include the additional information and corrections
Queens's Jubilee Trees (HO77)	Refer to <i>The growing History of Lilydale's Trees</i> (Lilydale Historical Society)	Review document and amend as necessary
Former W Johnston Bootmakers Shop/Residence (HO203)	Additional information about William Robert Johnston and two additional images	Amend to include the additional information and corrections Review images to consider their inclusion
Oliver's Grocery Store/Lilydale Rural Supplies Shop (former)(HO205)	Check and confirm if Cathcart family current ownership	Amend to include corrections
Poon Kee's store (HO213)	Correct references to W Johnston ownership during alterations, correct references to Kees and include older images	Amend to include corrections
Lilydale Historic Street Trees (HO401)	Correct references and include an additional reference	Amend to include the additional information and corrections
Olinda Hotel (HO431)	Correct citation to Thompson & McBain and clarify fabric extent information in context of John Hutchinson's diaries	Amend to include the additional information and corrections except for the information regarding the staircase and original building internal to the hotel which cannot be verified
Hutchinson's Store	Minor changes to citation	Amend to include the additional

Place	Change proposed	Evidence response
(HO432)		information and corrections
Crown Hotel (HO433)	Change history chronology and other minor changes. Sketch of new hotel available for inclusion	Amend to include the additional information and corrections Review sketch to consider whether its inclusion is appropriate
Beresford Buildings (HO434)	Correct image caption and replace with an alternative image and precise date	Amend to include the additional information and corrections
Artis Building (HO435)	Include additional information about the builder Henry Artis	Amend to include the additional information and corrections
Single Storey Shop (HO436)	Minor corrections	Amend to include corrections
Former Deschamps Wine Store Olive tree (HO437)	Additional information provided about Deschamp's Wine Hall and vineyard and Louis Deschamp's family members	Amend to include the additional references and corrections Additional historical information not necessary - no change to citation proposed
Lilydale First World War Memorial (HO438)	Correct paragraphs 3 and 4, correct reference on page 5 to 1921 design and cross reference newspaper citations with White Dog Hotel	Amend to include the additional information and corrections
Willowbank (HO439)	Confirm ownership of Edward Moore Poyner. Information about provenance of bricks and builder	Amend to include the additional information where it can be substantiated
Towrie (HO440)	Importance of Helen Lempriere missed (Australian Dictionary of Biography entry provided). Correct 'unknown' references with Gail van Zeist. Clarify period of Dora Lempriere's ownership. Include a map to assist location of photographs	Amend to include the additional information and corrections Review publication to determine if changes are necessary
Heatherlie (HO441)	Clarify references that drawings by Nancy Heath and acknowledge with Lilydale Agricultural and Horticulture Society	Amend to include the additional information and corrections
Lilydale Primary School (HO442)	Correct information relating to second wing and clarify reference	Amend to include the additional information and corrections
Lilydale Heritage Railway Station Goods Shed (HO443)	Correct information about Goods Shed retention during original station demolition and licensing of refreshment room in 1904	Amend to include the additional information and corrections

Council submitted the changes could be dealt with before the Amendment was finalised.

Council submitted that the individual citations should be included in the Yarra Ranges Planning Scheme because they provided context to the statements of significance. Ms Bashta supported this view.

Council preferred individual citation documents rather than a grouping of them in a single document. It considered this format would be easier for landowners to find them in a more accessible online planning scheme format.

(iii) Discussion

Statements of Significance as incorporated documents should contain the critical elements of a citation to clearly identify what is significant (including what is not significant) and why, and not rely on citations for this information to provide certainty and guide decision making. The Panel agrees however, that citations contain useful background including detailed historical information, place analysis including integrity of place elements, identify comparators and suggested conservation measures and include references that can be useful to provide context and inform a broader understanding of a place. For these reasons, they can be useful as background documents consistent with the *Practitioner's Guide to Victoria's Planning Schemes* (DELWP 2022).

While the online versions of Planning Schemes allow incorporated documents to be identified and viewed this does not currently exist for background documents. The Panel considers that a single consolidated place-based background reference (such as 'Lilydale heritage place citations' or 'Lilydale Heritage Gap Study Citations, 2023') is preferable to including a multitude of individual place citations, because:

- it provides a place-based context for all citations
- it avoids adding unnecessary complexity and clutter to the Planning Scheme, particularly if the same approach is adopted for all future citations.

The Panel supports the additions, corrections and further researched information proposed by Ms Bashta in response to the submission of the Lilydale & District Historical Society. These changes do not change the exhibited versions of the statements of significance or the findings of the gap reviews or attributed significance. The further review of information relating to HO203, HO33, HO439 and HO 440 should be completed before adoption of the Amendment and ensure any changes are not material in nature.

(iv) Conclusions and recommendations

The Panel concludes:

- The citations be amended as identified in Table 4 consistent with the evidence of Ms Bashta.
- The citations be consolidated into a single document titled Lilydale 'Heritage Gap Study Citations, 2023' or similar, within Schedule 1 to Clause 72.08 (Background documents).

The Panel recommends:

- **Amend the citations consistent with the changes identified in Table 4 of this Report.**
- **Amend Schedule 1 to Clause 72.08 (Background documents) to consolidate all proposed citations into a single background document.**

Appendix A Document list

No.	Date	Description	Provided by
1	13 Jun 23	Panel Directions and Timetable (version 1)	Planning Panels Victoria (PPV)
2	20 Jun 23	Late request to be heard	Apollo Connection Pty Ltd
3	20 Jun 23	Timetable version 2	PPV
4	25 Jul 23	Part A submission and appendices	Yarra Ranges Council (Council)
5	25 Jul 23	Expert witness statement of Michelle Bashta	Council
6	27 Jul 23	Submission	Lilydale & District Historical Society
7	27 Jul 23	Expert witness statement of Mark Reynolds	Apollo Connection Pty Ltd
8	27 Jul 23	Reasons for late distribution of evidence	Apollo Connection Pty Ltd
9	31 Jul 23	Part B submission including appendices	Council
10	31 Jul 23	Submission	Apollo Connection Pty Ltd
11	31 Jul 23	Amended evidence statement of Mark Reynolds	Apollo Connection Pty Ltd
12	31 Jul 23	Arborist Report of Glenn Waters (Dec 2022)	Apollo Connection Pty Ltd
13	31 Jul 23	HO437 location map	Apollo Connection Pty Ltd
14	31 Jul 23	Evidence presentation of Michelle Bashta	Council
15	1 Aug 23	PPN01 example schedule	Owners of 57 Warburton Highway

Appendix B Planning context

B:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) to:

- conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- balance the present and future interests of all Victorians.

Planning Policy Framework

The Amendment supports:

- **Clause 11.01-1S** (Settlement)
- **Clause 11.03-1L-02** (Lilydale Activity Centre)
- **Clauses 15.01-1** (Urban design)
- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
 - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
 - Encourage appropriate development that respects places with identified heritage values.
 - Retain those elements that contribute to the importance of the heritage place.
 - Encourage the conservation and restoration of contributory elements.
 - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Municipal planning strategy

The Amendment supports:

- **Clause 02.01** (Context) which identifies the rich diversity of heritage places of Yarra Ranges
- **Clause 02.03-1** (Settlement) which recognises the role of Yarra Ranges activity centres including the Lilydale Major Activity Centre
- **Clause 02.03-5** (Built environment and heritage) which identifies:
 - the contribution of building quality and public places in activity centres which plays a significant role in creating a sense of place for local communities
 - the diversity of heritage buildings and places that reflect its origins and contributes to its identity. A strategic direction includes the protection of significant landscapes and cultural and natural heritage to nurture greater community awareness and appreciation of Yarra Ranges' past.

B:2 Other relevant planning strategies and policies

i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050 to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The following are relevant to the Amendment:

- **Outcome 4:** Melbourne is a distinctive and liveable city with quality design and amenity
 - **Direction 4.4:** Respect Melbourne's heritage as we build for the future
 - **Policy 4.4.1:** Recognise the value of heritage when managing growth and change
 - **Policy 4.4.4:** Protect Melbourne's heritage through telling its stories.

ii) Lilydale Street Trees Incorporated Management Plan (August 2007)

This incorporated plan applies to the streets and areas covered by HO401 'Lilydale Street Trees'. It includes a Statement of Significance and identifies elements of particular significance associated with street tree species across five locations including trees to be protected. It provides that no planning permit is required under Clause 43.01 for the following works:

- Any pruning involved in day to day maintenance of the trees including; clearance for vehicle/pedestrian space, clearance for powerlines and removal of damaged or diseased branches
- Any buildings or works not located within the drip line of a tree included in 3.0 of this plan.

B:3 Planning scheme provisions

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

B:4 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.
- Ministerial Direction No. 9 – Metropolitan Planning Strategy which requires amendments to have regard to Plan Melbourne 2017-2050

That discussion is not repeated here.

Planning Practice Note 1 (Applying the Heritage Overlay), August 2018

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- 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 (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Practitioner's Guide


A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victorian Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix C ‘Heatherlie’ citation changes



Heritage Citation – Individual Place

Place Name	Heatherlie
Image	 <p>Photograph of Heatherlie (source: www.realestate.com.au, 2016).</p>
Address	57 Warburton Highway, Lilydale VIC 3140
Item Group	Residential buildings (private)
Item Type	House
Architect	Bernard Sutton (residence), Paul Sorensen (landscape)
Significance Level	LOCAL
Date Updated	December 2021

Curtilage Map



Statement of Significance

What is significant?

The property at 57 Warburton Highway, Lilydale (otherwise known as Heatherlie) is significant. Specifically the form, scale, detailing and siting of the c.1938 Interwar Old English style residence, along with the formal entrance pine (*Pinus*) tree lined driveway, c.1939 front boundary wall and entrance gate, and remnant 1884 bakery and worker's cottage, is of local significance. Later alterations and additions are not significant.

How is it significant?

Heatherlie is of local historical and aesthetic significance to the township of Lilydale and Yarra Ranges Council more broadly. It also has associative significance as a residence designed by the reputed architect Bernard Sutton and one of the few remaining landscape designs by the prominent landscape gardener Paul Sorensen.

Why is it significant?

Heatherlie is historically significant to the township of Lilydale as a late nineteenth century homestead site that dates back to 1884 and still retains remnant outbuildings and plantings from this period. Evident as an expansive piece of land with a surviving workers cottage and bakery, as well as a formal entrance pine (*Pinus*) tree lined driveway from this period, the property not only illustrates the scale and operation of the late nineteenth century property but the lifestyle of more affluent families who settled in the area. Its substantial grounds, which have remained largely intact, also provide an insight into the town's settlement patterns prior to suburban development. The main interwar era residence serves to illustrate the proliferation of English Domestic Revival architectural styles in the Yarra Ranges Shire throughout the interwar period. (Criterion A)

Statement of Significance

Heatherlie is aesthetically significant for its visually striking and highly intact two-storey Interwar Old English residence set on heavily landscaped grounds. Key features contributing to its aesthetic value include its steeply pitched gabled roof forms, picturesque asymmetry, entrance portico contributing a sense of formality and elegance, brickwork quoining, rectangular massing, balanced fenestration and raised sitting on a retaining wall. The visual appeal of these architectural features is further enhanced by Heatherlie's carefully landscaped grounds, which comprise a mixture of mature ornamental plantings, wrought iron gateway with stone boundary wall that matches the landscaping around the residence, and formal entrance pine (*Pinus*) tree lined driveway. (Criterion E)

Heatherlie has associative significance as a residence designed by the reputed architect Bernard Sutton, who was known for his interwar revival designs across Victoria during the interwar period. Its grounds also comprise one of the few remaining landscape designs by the prominent landscape gardener Paul Sorensen, who was celebrated for his signature use of stone walling and skilful incorporation of mature trees and shrubs in garden design. (Criterion H)

HERCON Criteria Assessment

A	<i>Importance to the course, or pattern of our cultural or natural history.</i>	Heatherlie is historically significant to the township of Lilydale as a late nineteenth century homestead site that dates back to 1884 and still retains remnant outbuildings and plantings from this period. Evident as an expansive piece of land with a surviving workers cottage and bakery, as well as a formal entrance pine (<i>Pinus</i>) tree lined driveway from this period, the property not only illustrates the scale and operation of the late nineteenth century property but the lifestyle of more affluent families who settled in the area. Its substantial grounds, which have remained largely intact, also provide an insight into the town's settlement patterns prior to suburban development. The main interwar era residence serves to illustrate the proliferation of English Domestic Revival architectural styles in the Yarra Ranges Shire throughout the interwar period.
B	<i>Possession of uncommon, rare or endangered aspects of our cultural or natural history.</i>	This place does not meet this criterion.
C	<i>Potential to yield information that will contribute to an understanding of our cultural or natural history.</i>	This place does not meet this criterion.
D	<i>Important in demonstrating the principal characteristics of a class of cultural or natural places or environments.</i>	This place does not meet this criterion.
E	<i>Importance in exhibiting particular aesthetic characteristics.</i>	Heatherlie is aesthetically significant for its visually striking and highly intact two-storey Interwar Old English residence set on heavily landscaped grounds. Key features contributing to its aesthetic value include its steeply pitched gabled roof forms, picturesque asymmetry,

HERCON Criteria Assessment		
		entrance portico contributing a sense of formality and elegance, brickwork quoining, rectangular massing, balanced fenestration and raised sitting on a retaining wall. The visual appeal of these architectural features is further enhanced by Heatherlie's carefully landscaped grounds, which comprise a mixture of mature ornamental plantings, wrought iron gateway with stone boundary wall that matches the landscaping around the residence, and formal entrance pine (<i>Pinus</i>) tree lined driveway.
F	<i>Importance in demonstrating a high degree of creative or technical achievement at a particular period.</i>	This place does not meet this criterion.
G	<i>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 the continuing and developing cultural traditions.</i>	This place does not meet this criterion.
H	<i>Special association with the life or works of a person, or group of persons, of importance in our history.</i>	Heatherlie has associative significance as a residence designed by the reputed architect Bernard Sutton, who was known for his interwar revival designs across Victoria during the interwar period. Its grounds also comprise one of the few remaining landscape designs by the prominent landscape gardener Paul Sorensen, who was celebrated for his signature use of stone walling and skilful incorporation of mature trees and shrubs in garden design.
	Significance Level	LOCAL

Recommendations	
Include on Heritage Overlay?	Yes
Include on Victorian Heritage Register?	No

Recommended Heritage Controls	Yes/No
External paint controls apply?	No
Internal alteration controls apply?	No
Tree controls apply?	Yes
Outbuildings or fences which are not exempt under Clause 43.01-4?	<u>Yes (the front boundary wall and gate and 1880s outbuildings (bakery and workers cottage))</u> No

Recommended Heritage Controls	Yes/No
Included on the Victorian Heritage Register under the Heritage Act 1995?	No
Prohibited uses permitted?	No
Aboriginal heritage place?	No

Physical Analysis

Heatherlie is a large property comprising a substantial two-storey Interwar Old English residence, a formal entrance pine (*Pinus*) tree lined driveway, an interwar era wrought iron gateway with stone boundary wall, and a late Victorian bakery and worker's cottage.

Designed in a restrained Interwar Old English style, the main dwelling is a rendered brick structure with strong, grounded massing over a long asymmetrical plan. The residence is predominantly defined by the steep pitched low gable and hipped roof. The roof is clad with slate tiles and includes three wide rendered brick chimneys. The main entrance is located on the west elevation within a corner location and set under a rounded portico supported by four white columns. The fenestration consists of timber casement windows on the ground level and sash windows on the upper level of varying sizes. The windows are harmoniously interspersed throughout the residence, adding to the balanced visual form. The east elevation forms a key focal point of the residence. The symmetrical elevation is flanked by two dominating open gable projections. The gables forms are distinguished by brickwork quoining, and each gable features a ground level bay window and aligned upper level sash windows with louvred shutters.

The Interwar Old English residence is set within a large, wooded estate. The residence is located on a high point that overlooks the surrounding fields. The driveway wraps around the west side of the residence and is lined by pine (*Pinus*) trees that pre-date the building. The garden is terraced around the house, with coursed rubble retaining walls and paths that reinforces the domestic setting of the Old English style residence.

Also located on the grounds of Heatherlie is the late nineteenth century worker's cottage and outbuilding. The worker's cottage is a simple single storey weatherboard structure. It has a small sheltered front entrance with timber sash windows and a hipped corrugated galvanised iron roof. It is set within a small, enclosed area demarcated by a timber post and rail fence. The outbuildings include a former bakery, as well as single storey red brick and stone structure.

Heatherlie is considered to be in good condition overall.

Condition	Good	Fair	Poor

Alterations and Additions

- Original 1884 homestead demolished (1930s)*
- Addition of the Interwar Old English residence (c.1938) and associated landscaping (c.1939)
- Swimming pool added
- Driveway laid with asphalt

The integrity of the site has been assessed specific to the interwar era development, which is the primary character and fabric of the place. With this in mind, the site has high integrity overall.

Integrity	High	Moderate	Low

* Denotes element that detracts from the cultural significance of the place.

Historical Notes	
Construction year(s)	c.1882 (workers cottage and bakery) and 1939 (main residence)
Key theme	Early Settlements and Townships
Key sub-theme	Farming Townships

The grounds of Heatherlie dates back to 1884 when it was purchased by local newspaper proprietor Gordon Middleton. Originally from Edinburgh, Scotland, Middleton arrived in Victoria in 1871 before eventually purchasing the newspaper Shepparton News from Lachlan McDonald in 1882 (Thompson, Lilydale & District Historical Society).

After establishing himself as a newspaper publisher and proprietor, Middleton, along with his wife Eliza Middleton (née Hunter), purchased sixty-four acres of land in Lilydale from Dennis Rourke known as Lot 1 of Section 28, Parish of Yering in 1882. Presently known as the Heatherlie grounds, this portion of land comprised a triangular block bounded by the Healesville and Warburton Road (Thompson, Lilydale & District Historical Society). The property was named *Glennifen* and a residence, workers cottage and bakery were subsequently erected. Following Gordon Middleton's death in 1888, Eliza retained ownership of the property for several more years, before selling it to Julian Roelens in early 1892 (Certificate of Title fol 1678 vol 587). It is unknown as to precisely how long Roelens occupied the property, although newspaper records reveal that by 1908 ownership was taken up by the Heath family (The Lilydale Express and Yarra Glen, Wandin Yallock, Upper Yarra, Healesville and Ringood Chronicle 1908, 3). Re-named *Heatherlie* by the Heath family, documented events at the property during their occupancy include a bushfire that swept across part of the grounds in 1914 (Healesville and Yarra Glen Guardian 1914, 4).

The Heath family continued to occupy the property for the next few decades, with significant changes taking place to the main residence and grounds during the 1930s. These include the demolition of the main residence and subsequent erection of a substantial Old English residence in c.1938 that is extant today, as well as considerable changes to the landscape in March 1939 (Leura 1939). Designed by prominent interwar architect Bernard Sutton, original architectural drawings of the residence reveal a large, two-storey Old English house defined by a heavy massing, steeply pitched gable roofs, a prominent entrance portico with four circular posts, and sash windows with louvred window shutters (Bernard Sutton & Associates c.1939). Known for working in the Old English and Georgian Revival idioms, Sutton's interwar designs were particularly prevalent throughout the wealthy suburbs of Malvern and Toorak (Quinn 2015, 14).

Meanwhile, proposed landscape plans by the noted Danish born Australian landscape designer Paul Sorensen, depict considerable alterations to grounds, including the incorporation of a retaining wall, entrance court, and a series of plantings concentrated along the northern and north-eastern areas of the grounds (Sorensen 1939). Existing pine trees and gum trees are shown as retained and integrated into the landscape design. The plans also depict the newly erected residence as comprising a sitting room, sun room, two bedrooms, dining room, garage, maids room, kitchen and garage (see Further Images).

According to records, the Heath family retained ownership and occupancy until 1974, and both Nancy Heath and Nuriel Carson are attributed to the property in 1950 (The Argus 1950, 10). Nancy Heath was historically well regarded within the township, especially with regards to her involvement with the Lilydale Agricultural and Horticultural Society. Their decades long occupancy came to an end in 1974 when Heatherlie was purchased by the Jaffe family (Leonard Joel Advertisement 1974). Historical photographs from this period reveal a highly intact, substantial Old English brick residence set on a retaining wall featuring original design features such as an incorporated garage, steeply pitched gabled roofs, and a mixture of casement and sash windows with louvred window shutters. The Jaffe family are attributed to the property until at least 2002 (Commonwealth of Australia Gazette 2002, 1).

Records indicate that Heatherlie was last sold in 2016. The property continues to be used as a residential dwelling.

Comparative Analysis

As a finely articulated Interwar Old English architect designed residence set on a large allotment with remnant nineteenth century outbuildings and plantings, Heatherlie is unique in its ability to illustrate both the growing popularity of the English Domestic Revival style in 1930s, as well the municipality's farming township history. Given the richness of the site, the following comparative analysis draws from a combination of nineteenth and twentieth century structures within the municipality.

Comparative examples include:

- **Tudor Lodge, 1930 Healesville- Koo-wee-up Road, Yellingbo (HO392).** Built in 1927-29 by Donald Thomas Kitchener, Tudor Lodge is a notable example of the Interwar Old English style with Tudor inspired features. Defined by its steeply pitched slate roof, diamond-pane leadlight windows and timber strapping, this residence is set on a fine garden and encompasses all the elements typically associated with the idiom. While it compares favourably in terms of its fenestration and refined incorporation of balconies, it lacks the striking massing, articulated form and intactness demonstrated at Heatherlie.
- **Sherbrooke House, 13 Sherbrooke Road, Sherbrooke (HO303).** Although considerably altered from its original state, this Old English style building dating to the 1930s is of historical and architectural interest as an interwar domestic style cottage designed specifically to rehabilitate children affected by the Depression. Extant original elements are visible on the exterior of the south elevation, and include its entrance hipped roof portico. Owing to its imposing massing, steeply pitched roof forms and high integrity, Heatherlie is a more striking and intact example of the style.
- **Bona Vista, 39 McGrettons Road, Healesville (HO423).** Bona Vista is a large property comprising a collection of historic and other buildings on an expansive tread setting. The point of comparative interest relates to its capacity to demonstrate the late nineteenth century development of large grazing estates with homesteads in Healesville. In particular, the expansive grounds and two remnant brick buildings (main residence and stables) help to demonstrate the scale and operation of the nineteenth century property. While it is a more illustrative example of late Victorian developments given its extant main residence, it compares well to Heatherlie as a c.1880s property set on a large, wooded estate with a number of historic outbuildings.

Although not within the municipality, a design by Bernard Sutton of particular comparison includes:

- **11 Grosvenor Court, Toorak (HO492 City of Stonnington).** Designed by Bernard Sutton and built in c.1936, this two-storey limestone ashlar clad Arts and Crafts style building with Old English antecedents is directly comparable to Heatherlie in terms of style, form and detailing. While it is comprised of dressed limestone as opposed to brick and not as substantial in size, it shares a number of key similarities to Heatherlie, including its strong gabled forms, slate clad roof, relatively restrained detailing and heavy massing. Other analogous elements include the use of casement and bay windows, as well as centrally placed narrow louvred air vents on the gable ends.

As per the above comparative assessment, Heatherlie is an excellent and highly intact example of a substantial Interwar Old English style residence. Its steeply pitched slate roof, imposing massing, decorative brickwork, bay windows and landscaped grounds are of particular interest, and not only compares well to existing municipality examples that have been afford heritage protection, but is on par with Sutton's other work outside the area. These aspects are further compounded by its remnant c.1884 outbuildings which, as with similar examples on the local Heritage Overlay, provide a tangible link to nineteenth century developments in both Lilydale and the wider Yarra Ranges area.

Suggested Conservation Measures

For Heatherlie, conservation and enhancement of the dominant character of the place in order to improve its contribution as a heritage place, would be the principal objective. This would involve:

- Conservation of significant built form, scale and detailing to all historic structures and elements on the site.
- Conservation of the mature pine (*Pinus*) trees which pre-date the current structure.
- Conservation of known 1939 landscaping elements, including:
 - Stone retaining walls, stairs and paving around the residence;
 - Driveway alignment and *pine (Pinus) trees*;
 - Stone front boundary wall and entrance gate; and
 - Entrance court adjacent to the house.

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