

# **YARRA RANGES PLANNING SCHEME**

## **AMENDMENT C207YRAN**

### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This amendment has been prepared by the Yarra Ranges Council, which is the planning authority for this amendment.

The amendment has been made at the request of the Yarra Ranges Council.

#### **Land affected by the amendment**

The amendment applies to 20 heritage places affecting 14 private properties, six road reserves and public places as described in the mapping reference table at Attachment 1 to this explanatory report.

More specifically, the amendment will apply to 11 commercial premises, 3 residential properties, a public building, a public school, a public memorial, a recreational cycle trail, and street tree protection for 6 streets.

#### **What the amendment does**

The amendment seeks to apply the Heritage Overlay (HO) on a permanent basis to 13 individual heritage places, amend the curtilage of heritage places in HO77, HO214 and HO401, amend the Schedule to Clause 43.01 (Heritage Overlay) to reference Statements of Significance for 13 new and 6 existing heritage places and remove the allowance for prohibited uses for HO203 and HO213, amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to incorporate Statements of Significance for 13 new and 6 existing places and update the version date of the Lilydale Street Trees Incorporated Management Plan, amend the Schedule to Clause 72.08 (Background Documents) to include heritage citations for 19 heritage places, and amend the incorporated document titled 'Lilydale Street Trees Incorporated Management Plan'.

Specifically, the amendment proposes to:

- Amend Planning Scheme Map Nos. 26HO, 27HO, 40HO, and 41HO to apply the HO to the properties in Table 1 and to amend the curtilage of properties at HO77, HO214 and HO401 in Table 2.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to apply the HO to the heritage places in Table 1, amend the listings of heritage places in Table 2, except for HO214, and amend the listings of heritage places in Table 3.
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to incorporate new Statements of Significance for the properties in Table 1 and to update the Statements of Significance for the properties in Table 2 and 3 (except for HO214, which only amends the curtilage).
- Amend the Schedule to Clause 72.08 (Background Documents) to:
  - include heritage citations for the properties in Table 1, 2 and 3 (except for HO214, which only amends the curtilage).
- Amend the Incorporated Document under the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) entitled 'Lilydale Street Trees Incorporated Management Plan (August 2007)'.
- Amend the Schedule to 72.04 (Documents Incorporated in this Planning Scheme) to update the version date of the Incorporated Document entitled 'Lilydale Street Trees Incorporated Management Plan (August 2007)', to August 2007 (updated October 2022).

Table 1

HO Number	Description of Place	Address
HO431	Olinda Hotel	161 Main Street, Lilydale
HO432	Former Hutchinson's Store	251 Main Street, Lilydale
HO433	Crown Hotel	267 Main Street, Lilydale
HO434	Beresford Buildings	279-281 Main Street, Lilydale
HO435	Artis Building	284 Main Street, Lilydale
HO436	Single storey shop	295 Main Street, Lilydale
HO437	Former Deschamps Wine Store Olive Tree	2-4 Albert Hill Road, Lilydale, and small section of Cave Hill Road adjoining
HO438	Lilydale First World War Memorial	Main Street, Lilydale
HO439	Willowbank	16 Crestway, Lilydale
HO440	Towri	1/33-61 Edinburgh Road, Lilydale
HO441	Heatherlie	57 Warburton Highway, Lilydale
HO442	Lilydale Primary School No. 876	63-65 Castella Street, Lilydale
HO443	Lilydale Heritage Railway Station Goods Shed	Maroondah Highway, Lilydale

Table 2

HO number	Description of Place	Address	Proposed Amendment to the HO
HO77	Queen's Jubilee Trees	Main Street, Lilydale	Reduction in mapped curtilage area within Main Street (to be replaced by HO401 – Lilydale Historic Street Trees)
HO203	Former W Johnson Bootmakers Shop/Residence	335 Main Street, Lilydale	Removal of allowance for prohibited uses in the Schedule to the Heritage Overlay
HO213	Poon Kee's Store (former)	172 Main Street, Lilydale	Removal of allowance for prohibited uses in the Schedule to the Heritage Overlay
HO214	Lilydale-Warburton Railway	Lilydale-Warburton Railway (former)	Reduction in mapped curtilage area near the Historic Lilydale Railway Station (to exclude the rail stabling yard)
HO401	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	Increase in mapped curtilage area within Main Street (to replace HO77 Queen Victoria Jubilee Street Trees, as well as additional area of Main Street)

		Lilydale Recreation Reserve, Lilydale	
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Table 3

HO number	Description of Place	Address
HO64	The White Dog Hotel	292 Main Street, Lilydale
HO205	Former Oliver's Grocery Store/Lilydale Rural Supplies Shop	148 Main Street, Lilydale

## Strategic assessment of the amendment

### Why is the amendment required?

The amendment seeks to implement the recommendations of the *'Lilydale Stage 1a Heritage Gap Study Peer Review and Review of Stage 1b Lilydale Heritage Review Gap Study: Lilydale Heritage Study (Extent Heritage Pty Ltd, 2021)'*, which is a peer review of an earlier study entitled *Stage 1a Lilydale Main Street Heritage Review Gap Study (Trevor Westmore Urban Design and Heritage Conservation, 2019)*.

The aim of the studies is to identify and assess potential heritage places and provide recommendations for their protection along with reviewing several existing heritage-protected properties.

The need for the studies arose from work on the Lilydale Structure Plan. In 2020, the *Lilydale Structure Plan Issues and Opportunities Paper* underwent public consultation, which sought public comment on the significance of properties in Main Street considered to be of potential heritage significance but not protected by a Heritage Overlay.

The studies have been prepared in accordance with the *'Heritage Victoria Heritage Overlay Guidelines, 2007'*, the *'Australia ICOMOS Charter for Places of Cultural Heritage Significance (the Burra Charter)'* and *'Planning Practice Note 01 – Applying the Heritage Overlay, August 2018'*. The recommended places are considered to meet the requirements and threshold for local protection through the HO.

The HO is the appropriate planning mechanism to protect the heritage values of the individual properties as the HO requires a permit to be granted for buildings and works, including demolition, that could affect the significance of these properties.

Interim controls for the 13 heritage places in Table 1 are being sought concurrently via Amendment C206yan.

### How does the amendment implement the objectives of planning in Victoria?

The amendment is consistent with the objectives of planning in Victoria, in particular the following objectives detailed in Section 4(1) of the *Planning and Environment Act 1987*, being:

*d) 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;*

*g) to balance the present and future interests of all Victorians.*

The amendment supports these objectives by applying permanent heritage controls to conserve places identified with local heritage significance.

### How does the amendment address any environmental, social and economic effects?

#### *Environmental Effects*

The amendment is not anticipated to have any adverse environmental impacts.

### *Social Effects*

The amendment will have a positive social effect through the preservation of historically and culturally significant places for the benefit of current and future generations. This will benefit the community by improving the understanding of local cultural history and thereby contributing to the sense of place and local identity.

### *Economic Effects*

The amendment is not expected to have any adverse or significant economic effects. Inclusion of a site within the HO does not prohibit changes to that site or building, but rather requires an application process whereby heritage considerations can be properly addressed, along with other factors before any decision on an application is made. This may limit development that is inconsistent with maintaining heritage values, which will improve the character of the building and the wider area. It is considered that economic impacts on future development will be offset by the contribution that the heritage place offers to the broader community.

### **Does the amendment address relevant bushfire risk?**

The amendment is not proposing new use or development and is unlikely to result in any increase to the risk to life, property, community, infrastructure or the natural environment from bushfire.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction – The Form and Content of Planning Schemes as identified at Section 7(5) of the *Planning and Environment Act 1987*.

The amendment complies with Ministerial Direction No. 9 – Metropolitan Planning Strategy which requires amendments to have regard to *Plan Melbourne 2017-2050*. The amendment implements *Direction 4.4 of Plan Melbourne 2017-2050* by ensuring the Yarra Ranges Planning Scheme recognises heritage places that contribute to Melbourne's distinctiveness and liveability and protect Melbourne's heritage places.

The amendment addresses the requirements of Ministerial Direction No.11 – Strategic Assessment of Amendments.

### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports and implements the following objectives and strategies of the Planning Policy Framework.

- *Clause 11.01-1R Settlement*, which promotes the sustainable growth and development of Victoria and Metropolitan Melbourne through the consideration of the Metropolitan Planning Strategy. The amendment is consistent with Plan Melbourne 2017-2050, Direction 4.4 *Respect Melbourne's heritage as we build for the future*.
- *Clause 15.01-5S Neighbourhood Character*: recognise and protect neighbourhood character, cultural identity and sense of place.
- *Clause 15.03-1S Heritage Conservation*: ensure the conservation of places of heritage significance. Relevant strategies identified to achieving this objective include:
  - *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.*
  - *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*

- *Encourage appropriate development that respects places with identified heritage values.*

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment supports and implements the following objectives and strategies of the LPPF:

- *Clause 21.05 Objective 2 – Major Activity Centres*, which seeks to enhance Lilydale’s identity through the protection of identified heritage elements, and other strategies.
- *Clause 21.06-1 Heritage*, which seeks to protect and conserve place of cultural heritage significance.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The application of the HO is the most appropriate planning mechanism for recognising and protecting the cultural heritage significance of the identified places. The assessments undertaken identify that the places meet the threshold for local significance.

**How does the amendment address the views of any relevant agency?**

The views of relevant agencies were sought through the public exhibition of the amendment.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is not expected to have any impact on the transport system.

**Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have a minor additional impact on the resource and administrative costs of the responsible authority. Additional work created by adding places to the HO can be resourced.

**Where you may inspect this amendment**

The amendment can be inspected free of charge at the Yarra Ranges website at [www.yarraranges.vic.gov.au](http://www.yarraranges.vic.gov.au) by searching “Amendment C207”; or

The amendment is available for public inspection, free of charge, during office hours at the following Yarra Ranges Community Link Centres:

- Lilydale – 15 Anderson Street, Lilydale
- Monbulk – 21 Main Road, Monbulk
- Healesville – 110 River Street, Healesville
- Upwey – 40 Main Street, Upwey
- Yarra Junction – 2442-2444 Warburton Hwy, Yarra Junction

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

**ATTACHMENT 1 - Mapping reference table**

Location	Land /Area Affected	Mapping Reference
HO64	292 Main Street, Lilydale	Yarra Ranges C207/yan hoMap40

HO77	Queen Victoria Jubilee Street Trees – Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO203	335 Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO205	148 Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO213	172 Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO214	Lilydale-Warburton Railway	Yarra Ranges C207yran hoMap40
HO401	Lilydale Historic Street Trees – Anderson Street, Castella Street, Clarke Street, Cave Hill Road (south), The Eyrie (part) and historic street trees along the western boundary of the Lilydale Recreation Reserve, Lilydale	Yarra Ranges C207yran hoMap40
HO431	161 Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO432	251 Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO433	267 Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO434	279-281 Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO435	284 Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO436	295 Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO437	2-4 Albert Hill Road, Lilydale, and small section of Cave Hill Road adjoining	Yarra Ranges C207yran hoMap40
HO438	Lilydale First World War Memorial, Main Street, Lilydale	Yarra Ranges C207yran hoMap40
HO439	16 Crestway, Lilydale	Yarra Ranges C207yran hoMap26
HO440	1/33-61 Edinburgh Road, Lilydale	Yarra Ranges C207yran hoMap40
HO441	57 Warburton Highway, Lilydale	Yarra Ranges C207yran hoMap27, hoMap41
HO442	63-65 Castella Street, Lilydale	Yarra Ranges C207yran hoMap40
HO443	Lilydale Heritage Railway Station Goods Shed, Maroondah Highway, Lilydale	Yarra Ranges C207yran hoMap40