

C226 HERITAGE OVERLAY (HO) 131 MANGANS ROAD LILYDALE

Report Author: Executive Officer Strategic Planning
Responsible Officer: Director Planning & Sustainable Futures
Ward(s) affected: Billanook;

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

To ensure the heritage values of 131 Mangans Road Lilydale are preserved, an amendment to the Yarra Ranges planning scheme to introduce a heritage overlay is required. The property at 131 Mangans Road Lilydale was first identified in the Stage 1a Lilydale Main Street Heritage Review Gap Study (Trevor Westmore Urban Design and Heritage Conservation, 2019) that was undertaken to assess historic properties in and surrounding Main Street Lilydale.

Further assessment of this property was deferred until the property could be accessed.

The property, known as 'Coldstream Hill', is identified as an uncommon example of an interwar era dwelling designed in the Spanish Mission style. Originally the dwelling was constructed at the beginning of the last century in the Edwardian style and associated with locally prominent persons. The later Spanish Mission revival design by the influential architect Marcus Martin is a rare architectural style in Yarra Ranges. In addition, the house is also significant for its association with renowned opera singer Dame Nellie Melba, a prominent resident of Coldstream among others.

Council has sought an assessment from a qualified heritage consultant, that has determined that the property is of local heritage significance and recommended it for inclusion in the Heritage Overlay of the Yarra Ranges Planning Scheme.

It is proposed through Amendment C226 to apply the Heritage Overlay to 131 Mangans Road, Lilydale to ensure the heritage values of the place are protected (Attachment 4).

In order to commence the amendment process, Council must seek authorisation from the Minister for Planning to prepare and exhibit an amendment.

RECOMMENDATION

That Council

- 1. In accordance with the requirements of the Planning and Environment Act 1987, request the Minister for Planning to authorise the preparation of Amendment C226 to the Yarra Ranges Planning Scheme that proposes to apply the Heritage Overlay to 131 Mangans Road, Lilydale generally in accordance with the attachments to this report.***
- 2. Subject to the Minister's authorisation, publicly exhibit Amendment C226 to the Yarra Ranges Planning Scheme.***
- 3. Receive a further report considering the outcomes of the exhibition period.***

RELATED COUNCIL DECISIONS

There are no related Council decisions relevant to this item.

DISCUSSION

Purpose and Background

Purpose

This report has been prepared to request that Council support seeking authorisation from the Minister for Planning to prepare and exhibit Amendment C226.

Background

The property at 131 Mangans Road, Lilydale, known as Coldstream Hill, has a rich and interesting history with associations to many prominent local and international people. The site was originally quite large however over the last couple of decades it has been subdivided and sold to the adjoining Tudor Village Mews retirement village. This expansion has resulted in the loss of trees, a grass tennis court, original driveway and landscaping and several outbuildings.

The site contains a single dwelling with outbuildings and is of historical importance in the local area. The original dwelling was known as 'Lismoyne', built in circa 1905 and occupied by Henry McHenry and his family in the early part of the twentieth century.

The home was originally built in the Edwardian style as a single storey, L-shaped dwelling featuring two bay windows and a return verandah on its northern elevation, and a small verandah on its southern elevation. This part of the dwelling, along the northern elevation remains today.



Map 1

In the 1920s the dwelling was extensively renovated, producing the current design in the Spanish Mission revival style, including interiors which reference the interior style of South American haciendas. The site was originally accessed from the Maroondah Highway service road, however this has been relocated to Mangans Road to the east as development occurred. The property has extensive views to the north towards the valley and westwards towards the township of Lilydale. More details on the place are listed under Issues below.

The dwelling has also been altered and added to over the last few decades, however these additions have not compromised the integrity of the dwelling.

The property has been unoccupied since the passing of the current landowner and is currently managed by legal representatives.



Image 1 – Original Dwelling



Image 2 – Current Dwelling

Issues

Property history and features

The property has changed hands several times throughout the 1910s and 1920s. In 1925, it was purchased by Captain Cecil Martin Keppel Palmer and his wife Nora shortly after their wedding as a country retreat. At this time, Keppel Palmer was the private secretary to the State Governor of Victoria, Lord Stradbroke. The Keppel Palmers appointed prominent Melbourne architect Marcus Martin to design and supervise extensive renovation works to 'Lismoyne', thereby transforming it from an Edwardian cottage to an impressive Spanish Mission style villa named 'Coldstream Hill'. Figure 3 on Page 9 of Attachment 6 'Statement of Significance' provides a detailed comparative floor plan between the existing dwelling and the proposed additions and alterations.

The dwelling was extensively photographed by Nash Boothby Studios in the late 1920s and hosted notable parties and soirees for Melbourne society. The Keppel Palmers were closely associated with Dame Nellie Melba who christened their eldest daughter Angela. There are several accounts of Madame Melba's visits to Coldstream Hill, as reported in newspapers of the day.

Ownership passed to many other families, including Darren and Diana Margaret Baillieu (parents of former Victorian Premier, Ted Baillieu) as a country and holiday residence. However, the dwelling was also occupied as a substantial family home, with maid's quarters added in the mid-1950s. The last owner of the land held the property for more than 40 years until her passing and during those years, as neighbouring Tudor Village developed and expanded, so too has the subject property changed and reduced through land subdivision, including the development over the tennis court to the west of the property. Today the dwelling, outbuildings and surrounding gardens remain in a fair to poor condition while the dwelling remains unoccupied.

Heritage Assessment

In 2019 a study to identify gaps in heritage protection in Lilydale was commissioned (*Stage 1a Lilydale Main Street Heritage Review Gap Study, Trevor Westmore Urban Design and Heritage Conservation, 2019*).

In 2021, a peer review of the gap study was sought, and the preparation of statements of significance for properties that met the threshold for local heritage protection (*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, 2022*).

At the time Coldstream Hill was included within both studies for investigation, however Council officers were not able to access the site to assess its current condition, with onsite assessment a requirement for any analysis of heritage significance.

An Executor for the estate has recently been appointed and officers and heritage consultants were given permission to access the site to assess its condition.

The review of the property has 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*' and included:

- A desktop review of the history of the property,
- Initial input from the local heritage society,
- Further research to source historic associations through extensive newspaper collections, plans of the site as found in the state library collections and other photos including research of Marcus Martin and his architectural style, and
- Site inspections on two occasions that were carried out with officers (including Council's Arborist), heritage consultants and site manager for the property. The site inspections were extensive and included inspections of all buildings including interiors.

The work prepared by Councils heritage consultant as discussed in the *Heritage Citation – Individual Place – Coldstream Hill, 131 Maroondah Highway, Lilydale* (Extent Heritage Pty Ltd, 2024) at Attachment 5:

- Recommends the application of the Heritage Overlay to the property.
- Provides a heritage citation for the property that is to be included in the Yarra Ranges Planning Scheme under Clause 72.08 (Background Documents).

Statement of Significance

For every heritage place (that is, a precinct or individual place) a statement of significance must be prepared using the format of:

- 'What is significant?'
- 'How is it significant?'
- 'Why is it significant?'

Statements of Significance must be incorporated into a planning scheme and will be included on the Victorian Heritage Register. A statement also provides essential information relating to:

- The curtilage, or area of significance,
- A physical analysis of the place,
- A comparative analysis with other places, to demonstrate significance, and
- Suggested conservation measures.

The review of the property identified that the property meets the threshold for inclusion on the municipal heritage overlay on the basis of local historical, representative, aesthetic, and associative significance to the Yarra Ranges Shire. Using the HERCON Criteria Assessment, which is the Victorian Heritage Register Criteria and Threshold Guidelines, the site meets five out of the eight criteria as follows:

Criteria A - Importance to the course, or pattern of our cultural or natural history.

Criteria B - Possession of uncommon, rare or endangered aspects of our cultural or natural history.

Criteria D - Important in demonstrating the principal characteristics of a class of cultural or natural places or environments.

Criteria E - Importance in exhibiting particular aesthetic characteristics.

Criteria H - Special association with the life or works of a person, or group of persons, of importance in our history.

Only one criterion needs to be met to be eligible for inclusion under the Heritage Overlay.

The heritage citation prepared for the property states:

What is significant?

Coldstream Hill, the property at 131 Mangans Road, Lilydale is locally significant.

Character elements that contribute to the significance of the place include:

- The elevated siting of the main dwelling set within the surrounding sprawling gardens.
- The interwar era Spanish Mission renovation of the earlier Edwardian residence primarily characterised by its hipped roof clad with Cordova tiles, brick chimneys with gable tops as well as the prominent wide, rectangular chimney fronting the courtyard, verandahs with timber eaves, posts and bush poles, timber framed doors and windows, original/early colour scheme and architectural detailing including a cement render exterior and circular vents at the gable ends.
- Known intact interiors of the residence, specifically the Dining Room with its brick stairs and metal handrail, dark stained timber detailing and arched brick fireplace, and the pressed metal ceilings in the Sitting/Smoking Room, Hallway, and Servery.
- The outdoor courtyard located to the south of the residence.
- The high, brick fence and wrought iron gate to the south of the residence as well as the drystone wall to the east.
- The extant double garage and laundry outbuildings.
- The mature Monterey Cypress (*Hesperocyparis macrocarpa*) tree.
- There are also several other small buildings along the eastern side.

How is it significant?

Coldstream Hill is of local historical, representative, aesthetic, and associative significance to the Yarra Ranges Shire.

Why is it significant?

- Criterion A

Coldstream Hill is of historical significance as a residence extensively renovated during the interwar period as the Yarra Ranges Shire grew in popularity as a tourist and leisure destination for Melbourne's elite. Built as a country holiday house, Coldstream Hill not only forms a tangible link to this phase of development which saw the proliferation of architect designed houses for prominent Victorian residents, but also provides insight into the ways the region's-built environment was shaped by tourism, leisure activities and new residential aspirations during the interwar period.

- Criterion B

Coldstream Hill is identified as an uncommon, extant example of an interwar era dwelling designed in the Spanish Mission style. Dwellings in this architectural style are rare in the Yarra Ranges Shire.

- Criterion D

Coldstream Hill is of representative significance as a fine, characteristic example of an interwar era bungalow designed in the Spanish Mission style. The residence not only retains a high degree of integrity in terms of its form and materiality but also exhibits key architectural features associated with the style, including a Cordova tiled hipped roof, gable top chimneys, rendered facades, and windows with shutters. Its original brick fence and wrought iron gate, accompanying garage and laundry outbuildings, and its siting within sprawling gardens are also of particular note as they illustrate the principal elements of extravagant residences constructed during the interwar period in the municipality.

- Criterion E

Coldstream Hill is of aesthetic significance for its unique design and high-quality architecture that exemplifies the Spanish Mission style which gained popularity during the interwar period. Its notable features include its asymmetrical layout, hipped roof clad with Cordova tiles, brick chimneys with gable tops as well as the prominent wide, rectangular chimney fronting the courtyard, verandahs with timber eaves, posts and bush poles, timber framed doors and windows, and architectural detailing including a cement render exterior and circular vents at the gable ends. The existing paint colours, including the coral finish to the rendered walls and chimneys and blue paint finish to the external joinery also contribute to the aesthetic presentation of the dwelling and speak to the Mediterranean influence on its design.

Further aesthetic interest is created by its arrangement around a courtyard, its brick fence and wrought iron gate, and the mature Monterey Cypress (*Hesperocyparis macrocarpa*) tree within its gardens that combine to create a visually distinct interwar era residence.

Coldstream Hill is also of aesthetic significance for its substantially intact interiors which include the Dining Room with its brick stairs and metal handrail, dark stained timber detailing and arched brick fireplace, and the pressed metal ceilings in the Sitting/Smoking Room, Hallway, and Servery.

- Criterion H

Coldstream Hill is of significance for its association as a design by the influential Marcus Martin, an architect to the wealthy families of the time in Melbourne. While this is the only known example of Martin's work in the Yarra Ranges, and one of a few examples of Martin's foray in the Spanish Mission style, his association with the place demonstrates the influence of well-regarded and connected Melbourne architects, in the Yarra Ranges in the interwar period as they undertook commissions for their wealthy clientele. In addition, the house is also significant for its association with renowned opera singer Dame Nellie Melba, a prominent resident of Coldstream, who was the Godmother of the Keppel Palmer's daughter Angela.

Amendment Proposal

Amendment C226 proposes to apply the Heritage Overlay (HO) on a permanent basis to 131 Mangans Road, Lilydale (also known as Coldstream Hill) to implement the recommendations of the *Heritage Citation – Individual Place – Coldstream Hill, 131 Maroondah Highway, Lilydale* (Extent Heritage Pty Ltd, 2024) and the *Stage 1a Lilydale Main Street Heritage Review Gap Study* (Trevor Westmore Urban Design and Heritage Conservation, 2019).

The Heritage Overlay (HO) is the appropriate planning mechanism to protect the heritage values of the property as the HO requires a permit to be granted for buildings and works, including demolition, that could affect the significance of the property.

Further details of the heritage significance of the property including photos and the amendment proposal are outlined in the attached Explanatory Report (Attachment 1) and Heritage Citation (Attachment 5).

State Heritage Protection

The property has also been separately nominated by a historian as having potential State level heritage significance under the Victorian Heritage Register (VHR) in 2020. Heritage Victoria accepted the nomination on the grounds that there was a reasonable prospect of its inclusion in the VHR.

Council has sought a further report from its heritage consultants on the properties potential for State protection that has been provided to Heritage Victoria for their continued consideration.

This report contains additional information regarding the place including history and a physical description but also notes that while the place meets the threshold for inclusion in the local Heritage Overlay, its ability to meet the threshold for the VHR is more tenuous, primarily based on the loss of intactness associated with the place as

a result of later subdivision and a notable reduction of the once expansive garden setting typical of holiday homes in the region. These views on the significance of the place will be taken into consideration by Heritage Victoria who will notify Council with their recommendation in due course.

Municipal Heritage Strategy

Council has recently commenced work on the preparation of Yarra Ranges' first Heritage Strategy that will assist Council to meet its heritage obligations as set out in the *Planning and Environment Act 1987*, the State Planning Policy Framework and the *Aboriginal Heritage Act 2006*. A Heritage Strategy will include actions that address the identification, protection, management and/or promotion of a municipality's heritage. The action plan would be developed with an outlook of 10 years to implement the objectives.

It allows Council to:

- Identify positive heritage measures already employed by Council;
- Identify and prioritise work to be done in the future;
- Appropriately manage and monitor the heritage assets of the community; and
- Report on and celebrate achievements.

An action of the Heritage Strategy will be to improve the performance of identifying, protecting, managing and promoting heritage assets in Yarra Ranges. The current report and proposed protection of 131 Mangans Rd would be consistent with the intent and outcomes from a Heritage Strategy.

Options considered

Option 1 – seek permanent heritage controls for the property

Council has an obligation under the *Planning and Environment Act 1987* 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. The Yarra Ranges Planning Scheme also contains objectives that seek to conserve places of heritage significance.

Heritage protection enables historically and culturally significant places to be protected for the benefit of current and future generations by adding to the understanding of Yarra Ranges' rich cultural history, providing a link to the past and giving a sense of place.

Option 2 – not proceed with heritage protection of the property

If heritage protection of the identified properties was not pursued, Council would be failing in its obligations under the *Planning and Environment Act 1987* and the Yarra Ranges Planning Scheme.

The risk of permanently losing places that are of identified historic and cultural significance would significantly increase.

Recommended option and justification

It is recommended Council proceed with Option 1.

It is considered that without the application of the Heritage Overlay, the property is at risk of further subdivision and development as it is residentially zoned (Neighbourhood Residential Zone 1) and within the incremental residential change area of Lilydale. Given its size, at 0.814 hectares, it has the potential to be further developed which would jeopardise the dwelling, outbuildings and substantial plantings which include extensive trees (in particular, Monterey Cypress species) and other unique site features including sprawling gardens, drystone walls, courtyard with bush poles, brick fencing and wrought iron gates.

The application of a Heritage Overlay would protect the property and enable suggested conservation measures to be put in place to improve and enhance the site's contribution as a heritage place and significant heritage asset for the local community.

FINANCIAL ANALYSIS

The costs associated with Amendment C226 are covered by the recurring Planning Scheme Amendments operational budget for Strategic Planning.

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan:

- Council Plan (2021-25) opening statement: "We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations."
- Council Plan (2021-25): Quality Infrastructure and Liveable Places.

Yarra Ranges Planning Scheme:

- Clause 15.03-1S Heritage Conservation: ensure the conservation of places of heritage significance; and
- Clause 21.06-1- Heritage Conservation Objectives and Strategies.

RELEVANT LAW

The proposed planning scheme amendment will be prepared in accordance with the legislative requirements of the *Planning and Environment Act 1987*.

SUSTAINABILITY IMPLICATIONS

Economic Implications

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.

Its protection lays the foundations for restoration to its former grandeur which is often utilised in other locations as an opportunity to generate tourism and interest from community passionate about local history.

Social Implications

Protection of heritage places benefits the community by adding to the understanding of Yarra Ranges' rich cultural history, providing a link to the past and giving a sense of place.

Environmental Implications

The amendment will not have any adverse effects on the environment. Retaining heritage buildings for adaptive reuse can also lead to environmental and economic benefits through the substantial reduction in building, demolition and new construction waste, and the conservation of embodied energy in the existing building.

COMMUNITY ENGAGEMENT

If Council supports the amendment proposal and resolves to seek authorisation from the Minister for Planning to prepare and exhibit the amendment, and the Minister grants authorisation, the amendment will be subject to standard notification requirements for planning scheme amendments as required under the *Planning and Environment Act 1987*, including:

- Notification in a local newspaper,
- Letters to affected landowners and occupiers and other key stakeholders in the community,
- Information available on Council's website and Council offices, and
- Direct notification to relevant government agencies and departments.

A further report would be prepared for Council to consider any submissions received through the exhibition of the amendment.

If submissions are received and Council is unable to resolve them, Council is required to refer unresolved submission to an independent planning panel for consideration.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

No collaboration with other Councils, Governments or statutory bodies was sought.

RISK ASSESSMENT

Until the property is protected by a Heritage Overlay, there is a risk of demolition, or works that may compromise the integrity of the heritage place.

The house is currently unoccupied and in a poor state due to lack of cleaning and maintenance. The property is a deceased estate and while there is a caretaker who visits the property weekly, there have been incidences of break-ins and theft of the contents of the buildings as well as water damage which has not been rectified.

The heritage citation includes conservation and restoration measures which will assist in reinstating the home and grounds to their former appearance. Given the legal complexities with the estate, resolution of the Heritage Overlay will enable decisions to be made regarding the future of the property.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. C226 Explanatory Report
2. C226 Instruction Sheet
3. C226 Strategic Assessment Guidelines Checklist
4. HO444 Map
5. Heritage Citation
6. Statement of Significance
7. C226 Schedule to Clause 43.01
8. C226 Schedule to Clause 72.04
9. C226 Schedule to Clause 72.08
10. C226 Heritage Overlay (HO) 131 Mangans Road Lilydale Project Timeline