

PART 2 OF AMENDMENT C197 - UPDATE TO THE HERITAGE OVERLAY FOR THE CEMENT CREEK PLANTATION

Report Author: Strategic Planner
Responsible Officer: Director Planning, Design and Development
Ward(s) affected: O'Shannassy;

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

Amendment C197 Part 2 proposes to amend Heritage Overlay 353 (HO353) which covers the Cement Creek Plantation in Warburton. An independent study by a qualified heritage consultant has been carried out to review the heritage significance of the site, with the findings from the report informing proposed changes.

The amendment addresses a submission from Parks Victoria to Amendment C197 (Parent Amendment), that sought a further review of the mapping of the heritage overlay and updated Statement of Significance. This has been completed and Parks Victoria are satisfied with the updated documentation. The resultant amendment proposes to:

- Revise the mapped area of Heritage Overlay 353;
- Update the Statement of Significance applying to the site, and
- Update the place description in the schedule to the Heritage Overlay.

RECOMMENDATION

That Council

- 1. Adopt Amendment C197 Part 2 to the Yarra Ranges Planning Scheme generally in accordance with Attachments to this report.***
- 2. Submit Amendment C197 Part 2 to the Yarra Ranges Planning Scheme to the Minister for Planning for approval.***
- 3. Notify Parks Victoria of Council's decision.***

RELATED COUNCIL DECISIONS

At the Ordinary Council Meeting of 26 April 2022, Council resolved to prepare and exhibit Planning Scheme Amendment C197 – Corrections and Anomalies.

At the Ordinary Council Meeting of 13 September 2022, having reviewed the submissions, Council resolved to:

- Split Amendment C197 into two parts;
- Adopt and Submit Amendment C197 Part 1 to the Yarra Ranges Planning Scheme to the Minister for Planning for approval; and
- Note that a future report will be presented to Council on Amendment C197 Part 2.

DISCUSSION

Purpose

Planning Scheme Amendment C197 was exhibited from 16 June 2022 to 18 July 2022, and subsequently split into two parts to further review a submission received in relation to the Cement Creek Plantation in Warburton.

The purpose of this report is to discuss the subsequent changes to this item now contained in Part 2 of Amendment C197 in relation to the Cement Creek Plantation.

Background

Amendment C197 was placed on public exhibition from 16 June 2022 to 18 July 2022 and five submissions were received. One submission, received from Parks Victoria relating to Heritage Overlay 353 (HO353) applying to the Cement Creek Plantation in Warburton, sought changes that required further review.

At the Council meeting of 13 September 2022, Council resolved to split Amendment C197 into two parts with Part 2 containing the Cement Creek item.

HO353 covers the Cement Creek Plantation in the Redwood Forest in Warburton, an area of various species of conifer trees which were planted in the 1920s and 1960s as part of a Melbourne Metropolitan Board of Works (MMBW) experiment in forest regeneration. The land is owned by Parks Victoria.

The current mapped overlay for HO353 in the planning scheme is irregular and misaligned. It does not cover the entire area of significant plantations as identified through documentary records and ground observation. The exhibited amendment proposed to extend the existing mapping to cover the extent of the plantation area.

The submission from Parks Victoria, as the owner, supported the update to the mapping, however asked that the mapping be based on further ground-truthing.

Parks Victoria also requested that an accurate description be included within the Heritage Places column of the schedule to the Heritage Overlay to provide clear and unambiguous reflection of the extent of the Heritage Overlay and elements of significance, and that the Statement of Significance for the heritage place also be updated to accompany the revised mapping.

Key Issues

Heritage Review

To address the requests made through Parks Victoria's submission, Council engaged a qualified heritage consultant to review the site mapping and prepare an updated Statement of Significance for the heritage place. The draft Statement of Significance is contained in Attachment 1 to this report.

This work was prepared following a site inspection to ground truth the extent of the plantation, which was also attended by representatives of Parks Victoria.

The heritage review concludes that the Cement Creek Plantation is:

- Historically significant to the Yarra Ranges Shire as a plantation that demonstrates two stages of forestry experimentation and research conducted by the Melbourne Metropolitan Board of Works (MMBW) in the Upper Yarra Catchment area. The site was developed over two phases. The first being between 1929-34 during the MMBW's 1920s and 1930s re-vegetation program, and the second being during the 1960s and 1970s as part of the MMBW's postwar hydrological research;
- Aesthetically significant to the Yarra Ranges Shire as a striking and imposing landscape of systematically arranged conifer plantings. These features, along with its siting on gently sloping ground adjacent to the Yarra River combine to form a visually commanding and distinctive landscape feature within the municipality; and
- Technically significant to the Yarra Ranges Shire for its demonstration of postwar hydrological research in the field of canopy interception.

Parks Victoria has been provided with an opportunity to review the heritage report and provide feedback on the proposed changes and updated site mapping. They have confirmed that they *“are comfortable with the changes and confident that the citation, statement of significance and mapping will be now clearer around the heritage values of the Cement Creek Plantation.”*

Amendment C197 Part 2 is informed by the recommendations of the heritage report, supported by the original submitter Parks Victoria, and will:

- Revise the mapped area of Heritage Overlay 353 as shown in Attachment 2;

- Update the place description in the schedule to the Heritage Overlay of the Planning Scheme;
- Include an updated Statement of Significance as an incorporated document to the Planning Scheme as shown in Attachment 3, and
- Include the Heritage Citation as a background document to the Planning Scheme.

Further details of the Amendment are included in the Explanatory Report at Attachment 4.

Inclusions and Exclusions:

The open area to the south of the main Californian Redwood plantation and next to the current car park is the site of the former Hansen's farmstead, referred to as pasture in some historical documents. While this area shows signs of past occupation including significant exotic trees and other items of note it does not meet the requirements of the heritage controls and as such has been excluded from the HO353 heritage site.

The carpark, area of bushland between the carpark and Cement Creek Road, and understorey regrowth within the plantation is not considered significant.

Specifically, the significant elements are the arrangement, scale, pattern and extent of the mature 1929-34 and 1960s-70s plantings of Californian Redwood, Douglas Fir, Monterey Pine, Bishop Pine and Western Red Cedar, and are of local heritage significance. Remnant paraphernalia associated with 1960s-1970s hydrological research, including collars and metal number tags on larger tree plantings are contributory features that inform the site's history.



Figure 1 - Red dashed line indicates site of the former Hansen homestead, now demolished, and pasture which are excluded from HO353



Figure 2 - Former homestead turned caretaker's cottage located south-west of the study area (now demolished) - Image date unknown

Options considered

Option 1

Adopt the amendment as detailed in the Attachments to this report, including revised mapping of Heritage Overlay 353, an updated statement of significance, and an updated place description in the schedule to the Heritage Overlay.

In accordance with Parks Victoria's submission to Amendment C197, external review of the heritage significance of the site has been carried out in consultation with Parks Victoria, to inform the proposed changes included in Amendment C197 Part 2.

Option 2

Abandon Amendment C197 Part 2 and wait to include the Cement Creek Plantation item in a future Planning Scheme Amendment. Including the proposal within a future corrections and anomalies amendment would allow the revised mapping to be publicly exhibited.

Recommended option and justification

It is recommended Option 1 be pursued to ensure the timely correction of anomalies and corrections in the planning scheme.

Accurate and timely Heritage Overlay protection of the plantation will ensure the heritage significance of the place is enhanced and protected.

The further work to address the matters raised in relation to the Cement Creek Plantation are now complete and have been undertaken in consultation with the landowner, Parks Victoria.

As the landowner supports an update to the existing mapping, have been consulted through the review process and are now supportive of the updated documentation, it is considered that further public exhibition of the item is not required.

FINANCIAL ANALYSIS

The costs associated with engaging a consultant to review Heritage Overlay HO353 Cement Creek Plantation has been accommodated within the operational budget for Strategic Planning.

The costs associated with the preparation of Amendment C197 Part 2 are covered by the recurring Planning Scheme Amendments operational budget for Strategic Planning.

APPLICABLE PLANS AND POLICIES

Amendment C197 is consistent with the following Council strategies and plans:

- Council Plan 2021-25:

Quality Infrastructure and Liveable Places and Protected and Enhanced Natural Environment.

- Yarra Ranges Planning Scheme – Clause 1.0:

Purpose of the Yarra Ranges Planning Scheme: To provide a clear and consistent framework within which decisions about the use and development of land can be made.

RELEVANT LAW

The planning scheme amendment has been prepared in accordance with the legislative requirements of the *Planning and Environment Act 1987*.

SUSTAINABILITY IMPLICATIONS

Economic Implications

Overall economic impacts will be minor, but there will be some benefit through identifying areas of heritage significance at the site, and therefore clarifying the ability to develop and use land. The location is of high tourism value and supports local business performance.

Social Implications

There will be no significant social impacts. The proposed changes will make it clear to community, developers and planners what the intended land outcomes are for the heritage place.

Environmental Implications

There will be no significant environmental impacts. The preservation of the mature canopy trees will enhance the local ecology and the associated carbon capture.

COMMUNITY ENGAGEMENT

The original parent amendment, Amendment C197 was publicly exhibited from 16 June 2022 to 18 July 2022, in accordance with the statutory notification requirements under the *Planning and Environment Act 1987*. This included the content and recommendations that were carried forward into part 2 for the Cement Creek Plantation.

Notice comprised:

- Letters sent by mail to all affected land owners and occupiers and properties adjacent to affected properties, totalling 557 letters;
- Letters sent by email to prescribed and relevant government agencies and departments;

- Notice published in the 14 June 2022 editions of the Mountain Views Star Mail, Ranges Trader Star Mail, Lilydale Star Mail, Ferntree Gully Star Mail, Mount Evelyn Star Mail, and Upper Yarra Star Mail; and
- Notice published in the Government Gazette on 16 June 2022.

In addition, information was made available from Council's and the Department of Environment, Land Water and Planning's websites.

A total of five written submissions were received, more than 70 phone calls were received, and eleven enquiries were made via the online portal and direct email.

Only one of the submissions related to what is now Part 2 of Amendment C197, (submission from Parks Victoria). All other submissions and enquiries related to Part 1 or were beyond the scope of the parent amendment.

The Heritage Overlay polygon (HO353) which was refined through a site inspection with the submitter formed the content of Part 2 of the Amendment C197 however did not alter the intent or general content of the original exhibited parent amendment and did not warrant further exhibition.

Parks Victoria has confirmed through an email on 28 October 2022 that they are in support of the planning scheme provisions that now form Part 2 of Amendment C197.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The amendment will contribute towards continuous improvement of the Yarra Ranges Planning Scheme by:

- Making the Yarra Ranges Planning Scheme more efficient for internal and external users; and
- Accurately reflecting land tenure and land use planning objectives in order to appropriately guide land use and development.

RISK ASSESSMENT

There are no significant risks associated with this amendment.

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. Heritage Citation – Cement Creek Plantation (Extent Heritage Pty Ltd, October 2022)
2. C197 Part 2 – HO353 Map
3. C197 Part 2 – Incorporated Document – Statement of Significance
4. C197 Part 2 – Explanatory Report