

Planning Scheme Amendment C207

Heritage adviser response to submissions (Submissions 1 and 2)

Submission and Site	Submission	Response
Submission 1 57 Warburton Highway, Lilydale (HO441)	<p>Opposes the tree controls on the property on the basis that:</p> <ul style="list-style-type: none"> • The row of planted Pinus Radiata on the driveway are declining and snagging. They are all at the end of their lives and are a significant risk to life and property. • One of these mature pines was responsible for a death of a motorist in 2018 and is the subject of a live court case in relation to this matter. 	<p>The health and overall condition of the driveway plantings do not immediately determine the validity of tree protections to the site.</p> <p>If alterations or maintenance to these trees are to be undertaken, a permit application can be made by the landowners to Council, likely with an Arborist report detailing the works and health of the trees, for review who will assess whether the works will have a detrimental impact on the cultural heritage significance of the site.</p>
	<p>Opposes the application of the HO to the front entrance gate on the basis that:</p> <ul style="list-style-type: none"> • The front entrance gate is stone but needs repair and more importantly is too narrow so that the CFA, emergency services and deliveries cannot access the property. • The 2.5m width of the entrance gate needs to be widened to allow access to the property for larger vehicles and particularly fire trucks and emergency services larger machinery. • We border a significant forested area and represent an important fire break between us and the township of Lilydale so there needs to be access. <p>The Stone gate pillars are an impediment to this access and need modification.</p>	<p>The gateway is measured currently at 2.5 metres wide. It is acknowledged that the CFA note that the minimum trafficable width required for fire services is 3.5 metres wide. Noting this, we still encourage the inclusion of protections to the boundary wall and gate, with any future changes associated with emergency access be appropriately managed as part of a future permit process under the planning scheme.</p> <p>However, it is also recognised that the entire property boundary is not bounded by the stone wall, but in fact mostly post and wire fencing. An additional break can be made for large vehicle access, as is very common with rural properties.</p> <p>We do not accept that the 1939 boundary wall and entrance gates should be exempt from protections.</p>
	<p>The workers cottage on the property is in knockdown condition, not structurally sound and not in any way unique or worthy of preservation – if it had been inspected rather than desk top reviewed.</p>	<p>The 1884 bakery and worker's cottage has been noted by the site owner as damaged and altered, and likely requiring demolition due to the financial burden its replacement would mean.</p>

		<p>However, the photos provided by the submitter show an intact stone ruin, and the information provided by the site owner does not negate the cultural heritage significance of said ruin.</p> <p>Economic and financial considerations do not factor into assessing the cultural heritage significance of a site.</p> <p>The owners have not agreed to a site inspection.</p>
	<p>The stone walling around the house is in poor condition and largely needs to be replaced in many areas as it has not been maintained over the years and refilled with concrete.</p>	<p>The submitter has noted the gardens around the house have been substantially altered, in the case of the stone retaining walls, plantings and mature Poplars.</p> <p>They similarly note that very little remains of the Sorenson landscaping. To reiterate what has been recorded as significant, as shown in the Statement of Significance: the form, scale, detailing and siting of the c. 1938 Interwar Olds English style residence, along with the former entrance pine (<i>Pinus</i>) tree lined driveway, c. 1939 front boundary wall and entrance gate, and remnant 1884 baker and workers cottage.</p> <p>The Sorenson landscaping has not been recorded as a protected element in the Statement of Significance.</p>
	<p>No physical inspection of the property has been undertaken as part of Planning Scheme Amendment C207.</p>	<p>As standard practice when conducting heritage studies we do not enter private properties during fieldwork, exclusively conducting physical assessments from the public domain.</p> <p>Following receipt of this submission a site inspection was requested but not allowed by the property owner.</p> <p>The features identified in the statement of significance are either visible from the public realm or identifiable through desktop sources (such as contemporary aerial photographs).</p> <p>No changes are recommended to HO441 as exhibited.</p>

<p>Submission 2 2-4 Albert Hill Rd, Lilydale HO437</p>	<p>Does not support the application of the Heritage Overlay to the site and its 15 metre radius around the Olive Tree.</p>	<p>The 15 metre curtilage has been based on the maximum Tree Protection Zone (TPZ) calculated in AS4970 <i>Protection of trees on development sites</i>. As Council's arborist notes the TPZ of a tree is derived from trunk diameter, something which is not static but changing constantly through the life of the tree.</p>
	<p>The Olive Tree is in poor health and decline and the application of a large Heritage Overlay area is unreasonable and not reflective of the growing conditions available to the tree.</p>	<p>Council's arborist has established that the health of the tree and its overall condition should not determine the validity of its inclusion on the Heritage Overlay. We agree with this, noting that the tree is one of the oldest olive trees remaining in the township of Lilydale.</p>
	<p>The oversized application of the Heritage Overlay will affect a larger area of the site, as well as the adjoining property, that has no heritage significance or relevance to the tree.</p>	<p>The 15 metre buffer will work appropriately as a permit trigger, and any permit application will need to obtain an arborist report to assess the TPZ as it currently stands based on the trunk diameter, and in turn demonstrate whether the proposed works within/closer than 15 metres will adversely impact the significant tree.</p>
	<p>The Heritage Overlay should only apply to the existing garden bed area.</p>	<p>Refer to the above comments regarding the suitability of the 15 metre curtilage. We support the protection of the Olive Tree (HO437) as exhibited.</p>