



**Yarra Ranges Planning Scheme Amendment C158
Planning Panel Submission**

**National Trust of Australia (Victoria)
8 August 2016**

The National Trust of Australia (Victoria) is an independent not-for-profit organisation established in 1956. The mission of the National Trust is to 'inspire the community to appreciate, conserve and celebrate its built, natural and cultural heritage'. The National Trust maintains a Heritage Register of Significant Places, including buildings, landscapes and trees.

As Victoria's premier heritage and conservation organisation, the National Trust has an interest in the Amendment as it seeks to improve the functioning of the Heritage Overlay (HO) and remove unnecessary provisions from it. The National Trust supports the intent of this Amendment, to improve the accuracy of the Heritage Overlay schedule. However, we submit that the process undertaken to create this Amendment has been inadequate.

Key concerns regarding the preparation of the Amendment

Upon review of a small sample of places included this Amendment, the National Trust found various examples where the proposed removal of paint and tree controls seems unjustified. In our submission, we will rely on illustrative examples to represent the broader themes which concern the National Trust. However, we consider that all places included in the Amendment should be subject to scrutiny given the concerns which we will outline in our submission.

The only assessment provided by Council to justify the changes to the heritage overlay schedule was a spreadsheet (Appendix A) prepared by Council strategic planning officers received via email on 20 April 2016. At the time of exhibition of the Amendment, and at time of writing this submission, it was understood to be the only document prepared by Council to justify the Amendment. We submit the assessment informing this amendment is inadequate and has some inaccuracies. Based on this sparse documentation, the Trust cannot support this amendment and the proposed changes.

We query the age, detail and rigour of the original source documentation used by Council to assess the removal of various controls. Statement of Significance citations available through the Victorian Heritage Database relating to specific places included as part of this

Amendment are only a summary of the significant elements of each individual place. As per *Planning Practice Note 1 'Applying the Heritage Overlay' (PPNO1)*, the documentation for each place should include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. Many of the citations for various places included in Amendment C158 were prepared at least sixteen years ago, and do not follow the present industry standard required by PPNO1, outlining 'what is significant', 'how is it significant', and 'why is it significant'. We submit that caution should be exercised when making decisions about the accuracy of controls based on these outdated citations.

In addition, we have concerns that both the assessments, and the limited site visits that were undertaken, were not completed by heritage advisors, heritage consultants, or planners with heritage expertise. Heritage Victoria's website indicates there are currently four heritage advisors on the consultation list for the Yarra Ranges Shire. We are not aware that any of the heritage advisors were consulted in the preparation of the amendment.

With regard to the content of the Amendment, we have two primary concerns: firstly, the removal of tree controls for heritage sites that are specifically delineated as gardens, National Parks, sanctuaries, and reserves; and secondly, the removal of external paint controls for various commercial and public buildings that maintain an important position within the streetscape.

Proposed Removal of Tree Controls

Council has advised during the exhibition of the Amendment that, with regard to the removal of tree controls for heritage sites, if a specific tree was not specifically cited in the Statement of Significance citation, then tree controls have been proposed for removal. This includes heritage places specifically delineated as gardens, National Parks, sanctuaries, and reserves. Given that the citations relied upon are often brief and outdated, we have serious concerns regarding the validity of this approach.

In a letter sent to the Trust on 6 April 2016 responding to our concerns regarding the Amendment, Council made the assertion that 'a permit requirement to protect vegetation on a site where the fundamental purpose to begin with is the maintenance of vegetation could serve no useful purpose and was superfluous'. This was specifically cited in response to our objection to the removal of tree controls for the National Rhododendron Gardens. By this logic, the historic Mooramong Homestead could be relieved of its heritage overlay because the National Trust operates it as a house museum. The National Trust strongly opposes this assertion.

The very purpose of tree controls is to protect trees, gardens, plants and vegetation as they relate and contribute to the significance of the heritage place. Regardless of the purpose of the site, permit controls should be required to be met by the property manager to protect the public interest in the conservation of that place. If the management of the site has a conservation objective, there should be no difficulty in obtaining necessary permits.

While the Trust acknowledges that additional permit triggers for vegetation removal do exist at some places, this does not justify the removal of protection for heritage sites that

have significance derived from their environmental contribution, or the removal of tree controls that protect vegetation or trees with historic or cultural significance that is above and beyond the aesthetic or landscape value.

Policy support for environmental conservation within the Yarra Ranges Planning Scheme

There are several clauses in the Yarra Ranges Planning Scheme that endorse the importance and active protection of the municipality's natural environment.

Clause 21.09 Environment – Objectives, Strategies and Implementation, makes the following statements:

- *The Dandenong Ranges and the Upper Yarra Valley are environmentally sensitive areas with significant recreational value and should be protected from development which would diminish their environmental conservation or recreation values.*
- *The retention and rehabilitation of remnant vegetation is fundamental to retaining the vast range of wildlife habitats throughout the shire. The Shire's prime objective is protection and enhancement of its rich biodiversity.*
- *Remnant vegetation is one of the most significant natural resources of the Shire. These areas are sensitive to indiscriminate and incremental clearing which can result in intrusion of weeds and the loss of habitat.*
- *Vegetation including both remnant and mature exotic planting are important features of the Shire's scenic landscapes and contributes to the unique character of rural, townships and many residential areas.*

Similarly, Clause 21.07 Landscape – Objectives, Strategies and Implementation identifies the

'scenic features of the non-urban areas' as being 'an integral component of the image and identity of the Shire',

with the key objective to

'retain and protect the scenic landscapes, rural and wedge character and special environment features of the shire',

and to

'protect and enhance environmental and landscape values, particularly those derived from remnant vegetation.'

Clause 22.05 provides detailed policy regarding vegetation protection and clause 52.17 specifically addresses native vegetation.

The Trust does not believe that the unsupported deletion of tree controls under the HO across various gardens, National Parks, sanctuaries and gardens reflects the key objectives of these above clauses.

Although we do not have the capacity to provide a detailed assessment for each place included in Amendment C158, we can provide a series of illustrative examples that speak to our concerns regarding the removal of tree controls.

Examples where the removal of tree controls is not justified

With reference to Appendix A, Council have made evaluations on individual places in the column titled 'Tree controls', and then listed their recommendations in the adjacent column titled 'Recommendations'.

For the National Rhododendron Gardens, Appendix A notes

'significant plants – including trees?'

yet subsequently recommends that tree controls be removed.

The Victorian Heritage Database (VHD) citation for the gardens defines the significance of the site as

'a place for the creation of gardens during the 1920s and 1930s'.

Additionally, the Physical Description included in the VHD citation designates the following:

'a 43-hectare attractively landscaped garden planted with large numbers of rhododendrons, azaleas, camellias, and impressive mountain ash. The garden also features a lake, fern gullies, and areas of lawn'.

For the Ferntree Gully Park Sanctuary and Aviary, echoes this conflict in information, with Appendix A stating

'vegetation is mentioned, [there is] no significance ascribed',

but again recommending that tree controls be removed. The VHD statement of significance notes

'the surviving features document the changing perceptions of the nature and history of the National Park',

and in the VHD Physical Description, the place is described as

'Typical Dandenong Ranges vegetation...protecting local ecology to a degree,'

'dry sclerophyll open forest on elevated range. Featuring a gully supporting some wet sclerophyll vegetation, e.g. tree ferns. Highly visited and very accessible for people wanting relaxation in bush surrounds'.

The VHD Physical Description also notes that *'the whole area is subject to pressure from surrounding developments'*. The Trust would particularly like to note at this point that a specific mention of developmental pressures in the citation should give Council pause to consider the consequences of the removal of the tree controls.

For the Monbulk RSL and War memorial, Appendix A notes that there is

'no reference to trees in the citation',

yet the physical description notes the

'mature indigenous and imported trees lining the east and west side boundaries. Located at the foot of these trees are a number of memorial plaques'.

For the Yarra Track, Appendix A notes

'no reference to trees in the citation',

yet the Physical description notes the gently winding track as it passes

'cleared grazing land and remnant and regrowth bush, including eucalypts and casuarinas'.

Similarly for Yarra Grange and Shearing Shed, Appendix A remarks that

'vegetation is mentioned, but significance not cited',

recommending that tree controls be removed. The VHD Physical Description reads as follows:

'A long driveway lined with mature pines links the historic homestead, and its gardens to the Maroondah Highway. Trees line the border of the garden, separating it from the rest of the property and a newer nearby house. With the exception of some mature trees, most of the rest of the garden, consisting of lawn and a rose garden was planted in the late 1940s by a designer known as Bramley. A driveway runs to the entrance of the homestead from a stone entrance gateway with a turning circle in the front garden.'

The various examples above specifically mention specific mature trees, native and remnant vegetation and mature exotic plantings. There is no policy basis for removing tree controls at these sites or other similar sites which might be uncovered by a systematic review of the places included in the Amendment.

For Coranderrk Bushland Reserve, Appendix A notes that the site is 'mostly bushlands', yet still recommends that tree controls be deleted. The National Trust notes that Coranderrk is a significant site of Aboriginal Cultural Sensitivity, where the vegetation is understood to be part of the significance of the place.

Finally, to illustrate an example of the fundamental inaccuracy of some citations, the National Trust was troubled that Appendix A relies upon the citation for Sir Colin MacKenzie Sanctuary (HO404), better known as the Healesville Sanctuary. The only specific reference to any feature of the Sanctuary in the statement of significance is a single cottage listed on the Victorian Heritage Register (of which the text has been copied verbatim from Heritage

Victoria's listing for the cottage); it makes no reference to the significance of any other elements of the fabric of the sanctuary including the vegetation and landscaping. It seems illogical that tree controls would be removed from a recognised heritage place that so obviously is characterised by the bushland setting.

Further justification for our objection against the removal of tree controls

As noted in PPN01, tree controls should only be applied after a proper assessment, and the National Trust supports this view, and ideally the statement of significance for the heritage places should identify the particular trees that are significant under 'What is Significant' and why the tree or trees are important. Clearly this format was not adopted when these controls were first gazetted decades ago, and the statement of significance do not always include this information, being either referenced elsewhere in the citation (such as in the Physical Description) or having not been included in the assessment to begin with.

Based on this reasoning, it would not seem justified to remove tree controls without proper assessment by an environmental heritage practitioner. Only after these tree controls have been scrutinised and a recommendation been made would it be reasonable to remove or retain controls.

In considering submissions relating to the deletion of tree controls from the planning scheme, I refer to the observations made by the Glenelg C55 Panel on p.12 of in their 2013 report, referring to the new format planning scheme Panel in 1998 that reads as follows:

*It is also noted that in the Schedule to the Heritage Overlay, the word 'no' has been included alongside every entry under the column 'Tree Controls Apply?' This is patently absurd when the heritage place itself is actually a tree, for example H0125-130, or where it is a reserve, swamp or other area where presumably the vegetation is a key element of the significance of the place, e.g. H0133, H0136 etc. **The Panel recommends that the detailed entries in the Schedule to the Heritage Overlay be carefully reviewed for internal consistency and that identified errors be rectified before adoption of the Scheme.***

Taking these recommends into consideration, the Glenelg C55 panel notes the following:

where a tree (or trees) is a primary basis for the Heritage Overlay itself, Council should as a matter of priority review these heritage places in the Schedule to Clause 43.01 to reapply the tree controls to remove the inconsistencies created by the Council resolution of 26 June 2012.

Proposed removal of external paint controls

The Trust would also like to address Council's decision to remove paint controls from various places across the municipality. In a letter received 6 April 2016, Council made the following assertion in relation to the Lilydale Mechanics Institute, Library and Athenaeum, a place also included on the National Trust Heritage Register:

The Lilydale Athenaeum building was one of a number which have been completely externally covered by paint. As the act of visually covering the building has now taken place, and given the absence of any evidence to confirm that particular colours or styles are required for heritage integrity, we are satisfied that in these cases paint controls are not justified.

We believe that there are various fundamental problems with the above statement from the perspective of heritage conservation practice. Paint controls are justified if the building in question impacts upon a significant streetscape. Paint controls are also put in place to preserve original paint schemes. Just because a building has been painted in the past, does not mean that this original paint scheme is lost forever. The permit trigger for paint controls ensures that if the current or future owner decided to re-paint the building, they would be required to apply a paint colour that was reminiscent of the original paint scheme to ensure the integrity of the streetscape and the heritage of the individual building. We believe that if a building is on a key main street in a town and is a prominent commercial/public building, than paint controls are more than justified. Paint controls ensure that future paint colours are sympathetic to the style and age of the building, regardless of the fact that it had been painted or modified in the past. Paint scrapes can be undertaken to determine original paint schemes, and these colours can be easily and sympathetically matched. This is a very regular and common undertaking by many conservation architects when undertaking restoration projects on heritage buildings.

The Panel Report for Maroondah C42 (2010), pp. 56-58, discussed the question of how to apply external paint controls under the HO. The panel notes:

Current practice favours the use of external paint controls for large urban precincts, where the overall effect on the streetscape may be important, and for heritage buildings in highly visible areas, such as commercial centres.

External paint controls may also be desirable for particular properties or complexes, such as current or former institutional or community buildings, though this need to be determined on a case-by-case basis.

We encourage Council to revisit this issue and determine which properties require external paint controls because of, for example, their potential streetscape impact on a wider area or in order to preserve particular valued features of the building (such as their original paint scheme).

In the case of the Mechanics Institute, Library and Athenaeum for example, Appendix A remarks that recent painting has taken place, and therefore recommends that paint controls should be deleted. We submit that this building is important within the streetscape of the town, and sympathetic paint colours would have an adverse effect on the significance of the place. Without paint controls this building could be painted in various inappropriate colours, completely undermining the heritage significance and the contribution to landscape. By no means is this the only example of a building for which it is inappropriate to remove paint controls. An assessment by a heritage advisor or consultant would yield a list of places for

which it may be appropriate to remove paint controls, but the National Trust submits that it is inappropriate to proceed without any such expert heritage advice.

Conclusion

The National Trust supports Council's intent to improve the accuracy of the heritage controls in the Yarra Ranges. However, the National Trust has serious concerns regarding the assessment methods and reasoning underpinning Amendment C158, in that it does not accord with current heritage practice and is predicated on a rapid review of heritage studies that were completed nearly two decades ago, and brief site visits undertaken by planners without heritage expertise. For these reasons, the National Trust submits that there has not yet been an adequate assessment to establish a sound basis for Amendment C158.