# Yan Yean Road Stage 2 Upgrade EES

## Peer Review P – Social and Cultural Values Peer Review

Cultural value of trees, Kurrak Road to Bridge Inn Road

July 2020

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**ABBREVIATIONS**

| | |
|---|---|
| AHCHIA | Aboriginal and Historical Cultural Heritage Impact Assessment |
| Burra Charter | *Australia ICOMOS Charter for Places of Cultural Significance The Burra Charter* (ICOMOS, 2013) |
| EES | Environment Effects Statement |
| MRPV | Major Roads Projects Victoria |

# 1.0 INTRODUCTION

## 1.1 Background and brief

Major Road Projects Victoria (MRPV) proposes to continue the expansion of Yan Yean Road, a north-south arterial connection serving Yarrambat, Doreen and Plenty, with a Stage 2 project addressing the section of the corridor located between Kurrak Road and Bridge Inn Road. Construction of Stage 1 of the project, which addressed Yan Yean Road from Diamond Creek Road to Kurrak Road, was completed in 2019.

On October 14, 2018 the Minister for Planning determined that an Environment Effects Statement (EES) would be required for the Yan Yean Road (Stage 2) Upgrade Project. Preparation of the EES and supporting technical studies is presently underway.

Lovell Chen has been asked by MRPV to provide a peer review of specific documents prepared to support the EES, specifically the way in which these address the cultural value of trees within the study area which may be subject to project impacts. Specifically, Lovell Chen was asked to consider whether the project has adequately responded through these documents to the following key risk items:

- The cultural value of trees
- Consideration of context sensitive design and whether it reflects a balance of social and environmental objectives.

The following draft documents have been reviewed:

- Technical Report D – Social Impact Assessment (WSP, 19 May 2020)
- Technical Report F – Aboriginal and Historical Cultural Heritage Impact Assessment (Ecology & Heritage Partners, 26 July 2020)
- Landscape Strategy (Arup, v4b, 2 July 2020).

## 1.2 Methodology and limitations

The report has been prepared by Kate Gray, Principal, and Michael Cook, Associate, both of Lovell Chen.

In order to establish familiarity with the character of the local environment within the study area, a drive-through of the project area and a brief visit on foot to the area of the Yan Yean and Bridge Inn roads intersection was undertaken by the peer review team.

The three subject documents have been reviewed in the context of this field visit, past experience in the preparation of EES technical reports and heritage studies addressing landscape values, and the Department of Environment, Land, Water and Planning (DELWP) EES scoping requirements for the Yan Yean Road (Stage 2) Upgrade (DEWLP, 2019) noting that these are set out below at Section 2.0).

This peer review focuses on the consideration of the historical and contemporary social values of trees within the study area, as these emerged as the key issues from a heritage perspective.

The peer review has been undertaken and is framed through a historical heritage perspective. This is on the basis is that 'cultural value' is a concept that – as set down in the *Australia ICOMOS Charter for Places of Cultural Significance The Burra Charter* (ICOMOS, 2013) (Burra Charter) and commonly referenced in historical heritage practice - can be seen to encompass historical, aesthetic, social, scientific and spiritual values. [It is equally recognised that cultural values may also be embodied and expressed in other ways].

In this context, any comment in this review on the values of trees and the question of 'context sensitive' design is limited by its relevance to the cultural value of trees in a heritage context. This is including statutory heritage considerations as well as heritage values deriving from individual or characteristic forms and patterns of valued trees, vegetation and other features.

In the case of the Aboriginal and Historical Cultural Heritage Impact Assessment (AHCHIA), the peer review does not address those aspects of the report addressing Aboriginal cultural heritage or archaeology.

In relation to the Social Impact Assessment, comments are limited to the manner in which the report addresses the social value of trees, on the basis that this information is relevant to the concept of social value as a subset of historical heritage value.

## 2.0 EES SCOPING REQUIREMENTS

EES scoping requirements for the Yan Yean Road (Stage 2) Upgrade were finalised by DELWP in June 2019 (DELWP, 2019). The scoping requirements identify key issues (in the form of environmental values and anticipated or foreseeable effects) requiring detailed assessment, and set the format for the analysis of potentially significant environmental effects in order to ensure a good understanding of:

- The potential effects on individual environmental assets —magnitude, extent and duration of change in the values of each asset— having regard to intended avoidance and mitigation measures
- the likelihood of adverse effects, including those caused indirectly as a result of proposed activities, and associated uncertainty of available predictions or estimates
- further management measures that are proposed where avoidance and mitigation measures do not adequately address effects on environmental assets, including specific details of how the measures address relevant policies
- likely residual effects, including on relevant MNES, that are likely to occur assuming the proposed measures to avoid and mitigate environmental effects are implemented; and
- proposed approach to managing and monitoring environmental performance and contingency planning. (DELWP, 2019, p. 9).

The scoping requirements identified a specific requirement for peer review addressing specific key risks, including 'the consideration of context sensitive design in the proposed road design and whether it reflects an appropriate balance of economic, social and environmental objectives' and 'the ecological and cultural values of trees in the project area' (DELWP 2019, p. 7). As noted above, this report addresses part of this peer review requirement.

As pertinent to the peer review, the following scoping requirements were identified as relevant:

**Draft evaluation objective**

To avoid or minimise the adverse effects on social and cultural values, including landscape values, Aboriginal and historical cultural heritage values, and remnant, planted and regenerated vegetation, and to maximise the enhancement of these values where opportunities exist.

**Key issues**

- Potential for adverse impacts on social and cultural values of trees, such as the Doreen River Red Gums located on the corner of Yan Yean Rd and Doctors Gully Rd.
- Potential for adverse impact on local amenity including visual impact, such as through reduction in canopy cover.
- Potential adverse effects on Aboriginal cultural heritage places and values.
- Potential adverse effects on historical cultural heritage values, especially buildings, properties, trees, archaeological sites and precincts.
- Potential adverse effects on urban landscapes that provide a range of functions (e.g. visual amenity, cooling from vegetation and shade).

**Existing environment**

- Identify the cultural and social value of trees within the project area and determine the existing amenity, cultural and ecological services value of the trees that may be affected by the project.

- Identify key landscape features and visual amenity values, as provided by trees, including urban landscape character, canopy cover, form, appearance, aesthetics and function.
- Review land use history, Aboriginal traditional knowledge, previous studies and relevant registers to identify areas with the potential for Aboriginal and historical cultural heritage values.
- Identify areas of Aboriginal cultural heritage sensitivity relevant to the project.
- Identify potentially affected sites or precincts on the Victorian Heritage Register or Heritage Inventory, within Heritage Overlays in relevant planning schemes or otherwise documented as being of heritage significance.
- Investigate the condition and cultural heritage sensitivity of identified sites and heritage precincts.

**Likely effects**

- Assess the potential direct and indirect effects of the project on arboriculture elements (including remnant, planted, regenerated and large old trees).
- Assess likely extent and duration of residual adverse effects on, or improvements to, landscape aesthetics and functions.
- Assess likely effects on visual amenity values, as provided by arboriculture, including through use of photo-montages, sections and analysis drawings or other suitable methods for depicting predicted landscape changes, particularly from key viewing points.
- Assess residual effects of the project on identified or potential sites or places of Aboriginal cultural heritage and sites of historical cultural heritage, considering possible impact pathways and significance of any effects.

**Design and mitigation**

- Develop potential and proposed design options and measures that can avoid or minimise significant direct and indirect effects on trees or other landscape elements.
- Develop strategies to address the loss of trees or other landscape elements.
- Describe design, management or offset measures to enhance or alternatively avoid or minimise adverse effects on landscape and visual amenity.
- Describe design, management (harm avoidance and/or minimisation strategies) circumvent or mitigate potential adverse effects on known or potential Aboriginal cultural heritage or historical cultural heritage values.

**Performance objectives**

- Describe the arboriculture and landscape value outcomes that the project must achieve.
- Describe and evaluate the approach to monitoring and subsequent contingency measures to be implemented in the event of adverse residual effects on arboriculture and landscape values requiring further management.
- Describe the Aboriginal cultural heritage and historical heritage outcomes that the project must achieve including ensuring implementation of the conditions outlined in the cultural heritage management plan.

(DELWP, 'Yan Yean Road Stage 2 Upgrade: Final EES Scoping Requirements,' p. 9)

## 3.0 SCOPE AND FORMAT OF THE EES ASSESSMENT

### 3.1 Significant tree and landscape types

The scoping requirements emphasise that the values and potential impacts to trees within the study area are a prominent aspect of the environmental impact assessment for the project. Consultation undertaken for both the Social Impact Assessment and the Landscape Strategy have confirmed the strong community value of trees along the project corridor, where these are seen to contribute to the valued character of the local landscape as well as holding intrinsic value individually in at least one case (the River Red Gums at the Bridge Inn Road intersection).

Within the broad category of trees of cultural and social value, based on a review of the scoping requirements, documents and site inspection, there appear to be two classes of trees of cultural value within the project area and requiring impact assessment for the EES and consideration in the project's context sensitive design efforts:

1. Trees of recognised individual significance – principally the Doreen River Red Gums, two remnant indigenous trees of great size and age, which have strong community attachments and a prominence at the Yan Yean Road – Bridge Inn Road crossroads, and which have been included in the Heritage Overlay (HO) of the Nillumbik Planning Scheme – although the Landscape Strategy suggests that there may be other individual trees and tree groups that might be considered within this class (see, for example, the large old Oak and Avenue of Honour at the Yarrambat Primary School)

2. Trees present throughout the study area, which have not been individually recognised through a statutory control or non-statutory process, but for which cultural heritage values may exist both on a whole-of-landscape basis and as associated with pattern elements that may recur throughout the project area. These trees fall broadly into three patterns or categories both in terms of character and age:

    - Natural remnant vegetation, of which the Doreen River Red Gums are the most prominent, but which is also present elsewhere in the study area on private properties and possibly at further locations within the current road reserve and reference design extent

    - Tree plantings associated with historical land management (agricultural, residential and civic land uses), including massed windbreak and screening plantings of exotic conifers or in some cases native trees (eg. Sugar Gum)

    - Revegetation plantings (and natural recruitment) of predominantly indigenous gum trees and other species, established on an ongoing basis from approximately the interwar or early post-WWII period (c. 1930s-1960s), and which now characterise much of the existing roadside vegetation within the project area.

### 3.2 EES Response

In this context, in considering a response to the scoping requirements, it is evident that the identification of the cultural values of trees within the project area, and the assessment of potential impacts, cuts across a number of specialist disciplines and addresses values that may not be clearly reflected and identified in existing statutory planning schemes and legislation. Assessment of the full scope of these values is by necessity an interdisciplinary undertaking, drawing upon technical expertise in historical heritage, ecology and arboriculture, social impact and landscape assessment.

In this case, the scoping requirements related to the cultural heritage values of trees have been addressed variously by Technical Report F – Aboriginal and Historical Cultural Heritage Impact Assessment (AHCHIA, Ecology & Heritage Partners, 26 July 2029), by Technical Report D: Social Impact Assessment (WSP, 19 May 2020) and by the Landscape Strategy (Arup, 2 July 2020). These reports variously make reference to the project's Arboricultural and Flora and Fauna assessments (Technical Report C and Technical Report B).

The focus of both the AHCHIA and the Social Impact Assessment is on the Doreen River Gums as individual trees with (respectively) recognised heritage values and statutory heritage controls and as a focus of considerable community attachment. While addressing these trees in some detail, with this relatively narrow focus, these two reports do not address the broader cultural values of trees across the study area (as referenced above at 3.1). This is because most would not be individually identified within existing statutory planning frameworks nor would they necessarily merit identification on an individual level as elements of intrinsic community social or other value.

The Landscape Strategy, however, sets out explicitly to identify and map the cultural value of vegetation within the Project area as one of the actions required to achieve the strategy's aims (see 1.1, p. 9). In doing so, it seeks to move beyond the potential limitations of the discipline-specific assessments. Rather it seeks to build on those assessments and other technical inputs to include both a more detailed and a more wide-ranging assessment of the cultural values of trees and treed landscape more broadly across the project area.

Specific comments on the three reports are provided in the following sections.

## 4.0 ABORIGINAL AND HISTORICAL CULTURAL HERITAGE IMPACT ASSESSMENT

The historical cultural heritage assessment for the project is contained in the AHCHIA (Ecology & Heritage Partners, 26 July 2020).

As noted above, this peer review addresses only those aspects of the AHCHIA that relate to historical heritage and the (historical) cultural and social values of trees within the project area; no comment is provided in relation to the assessment of Aboriginal cultural heritage values and impacts.

Largely limiting its assessment of the cultural values of trees and impact assessment to those trees with statutory heritage controls or other heritage listings, the AHCHIA focuses mainly on the Doreen River Red Gums, as a HO-listed place in the Nillumbik Planning Scheme and as included in the National Trust of Australia (Victoria) Register.

The AHCHIA recognises the trees as a historical heritage place based on their existing statutory control and identifies avoidance as the preferred strategy to manage potential impacts. In doing so, the report appropriately identifies the City of Whittlesea Heritage Study (Gould, 1990) which assessed the trees and recommended them for planning scheme protection (see AHCHIA, Appendix 2). Relatively limited reference is made to the values of the trees. Section 7.1.1.2 of the report (p. 100) describes the trees as a prominent remnant landscape feature which is now rare but otherwise makes general reference to the 'aesthetic, historic and potential social cultural heritage significance.' This limited commentary reflects the lack of information or a statement of significance in the City of Whittlesea's study (Gould, 1990). Elsewhere (Section 5.1.3.3, p. 53 ) the National Trust's assessment that the trees are an important landscape feature that is a landmark for the area is referenced.

The AHCIHA also includes a Land Use History (Section 5.1.3.5) which provides additional information about the history of the Project area and the various land use and development themes in the post-contact period. While this is appropriately a broad overview and not focussed solely on trees, it does provide valuable information that informs an understanding of the broader character of the landscape within the Project area. This includes pastoral and agricultural land uses practiced since the 1850s which resulted in a highly modified rural landscape (now further impacted by suburban development) and provides context for various landscape features that are still evident and which form part of the broader character including remnant boundary windrows and mature tree specimens. The aerial views from 1951 and 1963 appended to the report (AHCHIA, Appendix 5) are also of interest in that they indicate the dramatic change in many parts of the Yan Yean Road environs including its landscape character since the early post-WWII period.

The Land Use History also references other plantings of historical/social interest, including at the Yarrambat Primary School where an Avenue of Honour was established in 2015 and where there is also a descendent of the Gallipoli Lone Pine.

While not explored in detail, it is also of interest that the Land Use History confirms the intersection of Bridge Inn Road and Yan Yean Road (where the two River Red Gums stand) as the centre for the district of Doreen and the location of a store, recreation reserve, and – for a time – a public hall (see p. 59). The former Post Office and General Store in this location is identified as of 'heritage potential'.

Overall, albeit it is relatively brief, the Land Use History in the AHCHIA provides context for the consideration of landscape and is an important input to the Landscape Strategy (see discussion at

section 6.0) below. In the latter report the AHCHIA Land Use History assists in an understanding of the layers of historical land use that are embedded in patterns of vegetation (and other elements) found within the project area that may give the area a particular character or identity as expressed in a generalised cultural value at the landscape scale.

## 5.0 SOCIAL IMPACT ASSESSMENT

Note that the following comments focus on the way in which Technical Report D: Social Impact Assessment (WSP, 19 May 2020) addresses the social value of trees, viewing this from a heritage perspective.

The Social Impact Assessment refers to guidelines for assessment of significant trees published in South Australia, as well as to the former assessment criteria for the Register of the National Estate (now defunct) and to the criteria of the National Trust of Australia (Victoria)'s Register of Significant Trees, a non-statutory list. It refers to these in consideration of the two Doreen River Red Gums, an existing local heritage place to which an elevated degree of community sentiment and expression of value has been uncovered during the project's planning phase.

The Social Impact Assessment is a valuable input to a consideration of the cultural value of these trees, reflecting on their contemporary community or social value. Social value was referenced as a potential heritage value for the trees in the AHCHIA but this is clearly confirmed by the work undertaken for the Social Impact Assessment and this is an important point. The assessment highlights the high level of community interest and sensitivity, as demonstrated in recent petitions, online organising through social media, and submissions received during exhibition of the draft scoping requirements in 2019.

Beyond the Doreen River Red Gums, there are limitations of the referenced guidelines and criteria for the assessment of significant trees in that these tend to focus on the assessment of individual trees of significance. They are not so relevant to the identification and assessment of the social and cultural values of other trees which might be valued on the basis of their collective contribution to the landscape character of the Yan Yean Road corridor, rather than as individual trees.

That said, the Social Impact Assessment also recognises in a generalised way the value the community places on vegetation within the project area and the impact of the project on that value, noting that 'The loss of native vegetation along the project area would however result in a noticeable community-wide change and is the source of much community concern as shared during consultation' (p. 75).

The Social Impact Assessment also notes that 'tree loss and impacts to native flora and fauna along the entire Project corridor were consistent themes throughout the consultation process.'

While noting that issues of 'native vegetation loss' and 'artefacts, including trees, of Aboriginal cultural significance and European historical significance' would be assessed through the respective technical reports (p. 62), the Social Impact Assessment also acknowledges that 'the potential loss of… trees in general along the entire alignment may impact the association residents have with their local area and community. […] In relation to the community values identified through consultation activities these changes have the potential to impact local character and quality of life, as well as a sense of community and wellbeing, for residents and visitors' (p. 62). This issue is not addressed in detail but the natural vegetation both as large remnant trees (ie. the Doreen River Red Gums) and native regrowth would be expected to make a substantial contribution to these community values and perceptions. Historical plantings of both native and exotic vegetation as associated with agricultural, civic and other land uses are also present within the study area and these may also make a contribution to the social values associated with trees at a landscape scale.

The assessment identifies the Landscape Strategy as a key requirement for mitigation of the project's impacts to the social and cultural values of trees within the study area.

## 6.0 LANDSCAPE STRATEGY

### Approach

The Landscape Strategy (Arup, 2 July 2020) provides an assessment of existing landscape characteristics and project impacts, proposes mitigation measures in the form of design guidelines and is referenced in project EPRs. As a strategy document, the Landscape Strategy does not provide finished designs for mitigation, but identifies a host of design opportunities and guidelines intended to guide a context-sensitive design solution and minimise the residual impact of the project works once replacement plantings have reached maturity.

The Landscape Strategy appears to effectively address the potential cultural values of vegetation that has not been considered in the AHCHIA and Social Impact Assessment, where these reports have focused in part on more narrow statutory considerations. Crucially, the Landscape Strategy goes further than the technical discipline reports in identifying and characterising vegetation of cultural value throughout the corridor.

Although the Landscape Strategy does not provide a formal assessment of impacts to specific trees (ie. the 'Historic Oak' at Yarrambat) to which a degree of individual cultural value may apply despite the absence of a formal statutory control, it has identified where these individual trees exist and provides for the creation of no-go zones to control for unnecessary project impacts. In this way, the potential of the project to pose impacts to individually valued trees of this type appears to be identified and otherwise excluded.

Moreover, the three assessments in the Landscape Strategy ('Cultural value of vegetation assessment', 'landscape character assessment' and 'visual impact assessment') collectively address the potential for vegetation to hold cultural value in aggregate (these are discussed in greater detail below). In preparing these assessments, the Landscape Strategy has utilised information provided in the AHCHIA and SIA, as well as information emerging from the project's community consultation activities and additional information and assessments developed specifically for the Landscape Strategy, to clarify broadly situated values which are not captured in existing statutory controls. This provides a robust basis for assessing impacts to aggregate values at the landscape scale and for the development of a design approach which responds to these values.

### Cultural value of vegetation assessment

The Landscape Strategy includes a 'cultural value of vegetation' assessment (section 5.2), which has been used to inventory trees of cultural value and to provide an additional cumulative value analysis as a means of identifying areas of heightened cumulative interest and/or sensitivity.

The assessment reproduces the Burra Charter criteria for cultural heritage significance (pp. 62-65). The criteria have been used to good effect as an organisational structure for the extensive information gathering and digital analysis which the Landscape Strategy authors have undertaken.

Although it interprets and applies the Burra Charter criteria to the requirements of its assessment in ways that differ from conventional heritage practice, this is not considered to affect the outcome of the assessment. Specifically, the assessment limits application of the Burra Charter's 'historic' (historical) value to items with an existing statutory listing, which is not consistent with the Burra Charter's construction of historical value. In this respect, the Landscape Strategy reproduces the AHCHIA's narrow focus on existing statutory places, however, other vegetation which may demonstrate historical characteristics or values is adequately captured under the social and aesthetic value categories (see 5.2.4 and 5.2.5), such that the narrow interpretation of this category does not compromise the assessment. Additionally, the analysis of landscape character that follows at Section 5.4 specifically includes the identification of 'historical landscape features') for each landscape character area (refer to the tables at pp. 81-88).

The cultural value of vegetation assessment is considered to be an effective inventory that identifies individual features and cumulative groupings or 'hotspot' precincts that may be of heightened value or interest. These include trees and tree groupings that provide a connection to historical land uses.

While the Landscape Strategy does not identify specific project impacts to the identified features and hotspots of cultural value, the assessment informs the subsequent landscape character and visual impact assessments (at 5.3, 5.4 and 5.5), and is referenced within the Design Guidelines, principally within sections 6.6.7 and 6.6.8 (pp. 130-131) which address retention of existing vegetation and new tree plantings, and would be anticipated to be utilised as a reference for the final project's landscape design. In particular, the protection guidelines at 6.6.7 address the project's potential to impact individual trees and vegetation features, and these have been structured to prioritise those features identified in the cultural value of vegetation assessment.

**Landscape character and visual impact assessments**

The Landscape Strategy also considers the historical and cultural associations of existing vegetation in its landscape character and visual impact assessment methodologies (sections 5.3-5.5). These assessments are structured to include the consideration of cultural values as may be broadly perceived across an entire landscape or zone within the project corridor, and to address their sensitivity and exposure to residual impacts in aggregate. This approach appears to have adequately identified and understood the broad-scale project effects against vegetation which may have a degree of cultural value.

**Design guidelines**

The design guidelines include specific measures to reinforce and rehabilitate tree features along the project corridors where these have been identified in the Landscape Strategy's assessments as contributing to valued landscape characteristics and views. Assuming the implementation of a project design in accordance with the Landscape Strategy's design guidelines, the expectation that some project impacts will be mitigated in the long term (once new vegetation has matured) appears appropriate. It is noted that these assessments have also identified a number of residual impacts to culturally valued trees in their aggregated role within the landscapes of the project corridor.

**Summary comment**

As detailed above, the Landscape Strategy provides a detailed assessment of existing landscape characteristics and project impacts, and proposes mitigation measures in the form of design guidelines. These have been referenced in project EPRs.

The assessments of cultural value and landscape character in the Landscape Strategy expand substantively on those contained in the AHCHIA and Social Impact Assessment, and address elements of the cultural value of trees which would not have otherwise been captured in the narrower statutory focus of those impact assessments. The Landscape Strategy assessments are directly referenced within the design guidelines and will form a long-term reference for the evaluation of project impacts and the development of a considered final design solution.

The Landscape Strategy contributes to an understanding of the project's potential to pose impacts to the cultural values of trees within the corridor. The design opportunities and guidelines identified in the Landscape Strategy, when implemented in conjunction with the information contained in the document's three assessments, are anticipated to adequately inform the future context-sensitive design solution and to form the basis for long-term mitigation of many of the project's potential impacts to culturally valued trees (noting that some residual impacts are identified and acknowledged).

## 7.0 CONCLUSION

This peer review considers whether the project has adequately responded through the reviewed documents to the following key risk items (assessed through a historical heritage perspective):

- The cultural value of trees
- Consideration of context sensitive design and whether it reflects a balance of social and environmental objectives.

The conclusion of the peer review is that when the reports are considered in combination, including the Landscape Strategy, the response to these issues is both adequate and appropriate.

**REFERENCES**

ARUP (2 July 2020), Yan Yean Road Upgrade Stage 2 Landscape Strategy, v4b, prepared for Major Roads Projects Victoria

Department of Environment, Land, Water and Planning (Victoria), Yan Yean Road Stage 2 Upgrade: Final EES Scoping Requirements

Ecology & Heritage Partners (26 July 2020), Technical Report F - Aboriginal and Historical Cultural Heritage Impact Assessment: Yan Yean Road Upgrade – Stage 2: Kurrak Road to Bridge Inn Road, Doreen, Victoria, prepared for Major Roads Projects Victoria and Arcadis Australia Pacific Pty Ltd

WSP (19 May 2020), Technical Report D – Social Impact Assessment, Yan Yean Road Upgrade – Stage 2: Kurrrak Road to Bridge Inn Road, prepared for Major Roads Projects Victoria

Meredith Gould Architects Pty Ltd (1990), City of Whittlesea Heritage Study for the City of Whittlesea