

COPY

**REPORT AND RECOMMENDATION
TO EXECUTIVE DIRECTOR ON
APPLICATION FOR A PERMIT**

FEE RECEIVED: No – Only minor amendment to current permit **AMOUNT:**
\$0.00

REFUND REQUIRED: NA **SENT:** NA

OWNER/S:

ADDRESS: Department of Human Services - KRS
Locked Bag 15
Victoria 3101

APPLICANT/S:

ADDRESS: Department of Human Services
GPO Box 4057
Melbourne
Vic 3001

HERITAGE REGISTER NO: H2073

FILE NO: HER/2001/001389

NAME OF PLACE/OBJECT: FORMER KEW COTTAGES (KEW RESIDENTIAL SERVICES)

ADDRESS / LOCATION: PRINCESS STREET KEW

APPLICATION RECEIVED: 15 February 2006 **60 DAYS EXPIRES:** 15 April 2006

CLOCK STOPPED: No **RESTART:** **EXPIRES:**

ADVERTISING REQUIRED: No. Current application is very similar to the proposal approved with conditions under P9639, and it is considered that the proposal will have little impact on the cultural heritage significance of this part of the KRS site. Stage I & II was previously advertised as it formed part of the previous permit application P9639 which included the demolition of three of the six heritage buildings, relocation of memorials.

WHERE ADVERTISED: N/A

ADVERT PERIOD ENDS: N/A

OFFICER REPORTING: Ray Osborne

DESCRIPTION OF APPLICATION: *Development of Stage I residential area, comprising 75 houses, incorporating 16 permanent and 4 transitional houses for KRS residents, associated landscape works, creation of Redgum Park, and installation of a temporary information studio for sales, as set out in the Report on the Former Kew Cottages, Princess Street, Kew – Stage I, prepared for the Walker Corporation February 2006, by HLCD, on the following drawings:*

HVS 1B Existing Conditions & Cultural Significance Plan
HVS 2D Stage 1 Plan
TP 03 Stage 1 - Plan of Proposed Subdivision
TP05 Superlot 2 Design Response Plan
TP 06 Superlot 2 Site Plan
TP 07 Superlot 2 Lower Level Plan
TP 08 Superlot 2 Ground Level Plan
TP 09 Superlot 2 Upper Level Plan
TP 10 Superlot 2 Streetscapes + Sections
TP 14 Superlot 3 Design Response Plan
TP 15 Superlot 3 Site Plan
TP 16 Superlot 3 Lower Level Plan
TP 17 Superlot 3 Ground Level Plan
TP 18 Superlot 3 Streetscapes + Sections
TP 22 Superlot 6 Design Response Plan
TP 23 Superlot 6 Site Plan
TP 24 Superlot 6 Lower Level Plan
TP 25 Superlot 6 Ground Level Plan
TP 26 Superlot 6 Upper Level Plan
TP 27 Superlot 6 Streetscapes + Sections
TP 31 Superlot 7 Design Response Plan
TP 32 Superlot 7 Site Plan
TP 33 Superlot 7 Lower Level Plan
TP 34 Superlot 7 Ground Level Plan
TP 35 Superlot 7 Upper Level Plan
TP 36 Superlot 7 Streetscapes + Sections
TP 40 Type A2 Plans + Elevations
TP 41 Type A2a Plans + Elevations
TP 42 Type A2b Plans + Elevations
TP 43 Type B Plans + Elevations
TP 44 Type Ba Plans + Elevations
TP 45 Type B1 Plans + Elevations
TP 46 Type B1a Plans + Elevations
TP 47 Type B2 Plans + Elevations
TP 48 Type E Plans + Elevations
TP 49 Custom 11 Plans + Elevations
TP 50 TSIS Site Plan
TP 51 TSIS Plans, Elevations, Sections
TP 52 Superlot 1 Plans
TP 53 Superlot 1 Shadows, Section + Elevations

Drawings by mdg

008 Stage 1 landscape masterplan
009 Information studio landscape concept plan
010 Lower Drive / Main Drive intersection treatment plan 03.02.06
0418 LSK11 issue Q Tree Protection Plan

SITE INSPECTION: On a number of previous occasions, specifically on 28 June 2005, 1 July 2005, 27 July 2005 and 1 September 2005, and in 17 January 2006.

DISCUSSION WITH APPLICANT: Yes on a number of occasion before the receipt of the application, and following its receipt.

RECORD OF CURRENT CONDITIONS:

Slides/photographs in Heritage Victoria collection

HOW CULTURAL HERITAGE SIGNIFICANCE OF REGISTERED PLACE OR OBJECT IS AFFECTED BY PROPOSAL: This proposal is very similar to the Stage I and II development proposal approved with conditions on 9 September 2005 under P9639. The principal change is to the road layout at the front entrance of the site, which results in a redesign of the layout of dwellings within this area. The application also includes the installation of a temporary sales office to the south of Main Drive.

In assessing permit application P9639 the following points were made in relation to **Redevelopment of Stages I and II, for residential development including 20 community homes**

The proposed redevelopment of the part of the site for Stages I and II will involve the removal of all existing buildings on this part of the site. These buildings, however, were not identified as being of cultural heritage significance, and subject to adequate archival photographic recording, could be demolished without the requirement for a heritage permit under s.67 of the Heritage Act 1995. This part of the site does contain a number of significant trees and other plantings included in the heritage registration. All but three are being retained as part of the proposed development. Through inspection and discussions on site, and consideration of the submission, it is accepted that their removal would be acceptable. The loss of a Red Gum is regretted, but it has been severely damaged and compromised by a lightning strike and its retention is not viable. It is considered that subject to conditioning regarding the trees, the impacts on the cultural heritage significance of the site are relatively minimal.

Subsequent to the approval of P9639, a major Red Gum tree is now being retained.

EXTENT TO WHICH THE PROPOSAL WOULD AFFECT THE CULTURAL HERITAGE SIGNIFICANCE OF ANY ADJACENT OR NEIGHBOURING PROPERTY THAT IS SUBJECT TO A HERITAGE CONTROL OR INCLUDED IN THE VICTORIAN HERITAGE REGISTER

The former Willsmere Hospital which lies to the west of the KRS site, it entered in the Victorian Heritage Register. The development of Stage I, which lies on the east side of the KRS site, will have no physical or visual impact on the former Willsmere Hospital site.

EFFECT REFUSAL WOULD HAVE ON REASONABLE OR ECONOMIC USE OF THE PLACE OR OBJECT:

No case put in relation to the current application, but in relation to reasonable use of the site, a refusal would clearly have a major impact on the proposal to continue the use of the site for KRS residents, as Stage I contains the majority of the community homes.

EXTENT OF UNDUE FINANCIAL HARDSHIP ON THE OWNER IF THE APPLICATION IS REFUSED:

No case put in relation to the current application.

IF THE APPLICANT IS A PUBLIC AUTHORITY, THE EXTENT TO WHICH THEIR ABILITY TO CARRY OUT A STATUTORY DUTY WOULD BE AFFECTED BY REFUSAL OF THE APPLICATION:

No case put in relation to the current application. In relation to P9639, the following case was put:

As the Minister for Community Services on behalf of the Government of Victoria and in conjunction with DHS has a statutory responsibility for services funded under the *Intellectually Disabled Persons' Service Act (1986)* "IDPSA" and the *Disability Services Act (1991)*, a submission has been made to address this issue [DHS/SJB Submission May 2005, pages 7-8].

It is clear that the move from institutional based care to community-based care, and to promote the integration of the intellectually disabled persons into the community is a primary aim of the *Intellectually Disabled Persons' Service Act (1986)*, and a statutory duty placed on DHS.

It is not argued that the refusal of the proposal would stop the provision of the proposed 20 community homes, but more that the retention of all 6 existing buildings from the current institution, reflecting outdated methods of service delivery, in particular the ex-dormitory accommodation, will impact on the Disability Services capacity to meet its statutory requirements under the *Intellectually Disabled Persons' Service Act (1986)* and the *Victorian State Disability Plan 2002-2012*.

ANY REPRESENTATIONS MADE FOLLOWING ADVERTISEMENT OF AN APPLICATION:

Due to the minimal changes to the approved scheme under P9639, it was considered that the revised proposal would have little impact on the cultural heritage significance of the site. In relation the previous heritage permit P9639, 10 submissions were , but almost no specific comments were made in relation to Stage I & II, [now Stage I] other than in respect to the need to retain all significant trees across the site, protect Main Drive and Lower Drive.

ANY COMMENTS FROM THE RESPONSIBLE AUTHORITY:

Received 12 April 2006.

Thankyou for the opportunity to comment on the permit application lodged by the Department of Human Services for the former Kew Cottages site (Kew Residential Services). I apologise for the delay in providing you with our comments. As you have requested, our comments relating to this matter, and other related matters that affect the site are provided below.

Amendment to Heritage Permit

An application has been made by DHS to Heritage Victoria for alteration to a heritage registered place (Kew Cottages). It is noted that a permit was previously granted by Heritage Victoria for the whole of the site.

Since that time, more detailed planning of stages 1&2 has been completed, resulting in some changes to the proposed development of the site requiring a further permit under Section 71 of the Heritage Act 1971.

Planning permit application - Tree removal

I wish to draw to your attention a planning permit application for the removal of native vegetation has been lodged by the developer of the site, Walker Corporation relating to the KRS site. Council officers were provided with the opportunity to comment on this planning permit application by Department of Sustainability and Environment (DSE).

There are some synergies between the Heritage Permit application and the planning application to remove vegetation on the site. I draw your attention to Council's comments by attaching this letter for your information.

Bishops Pine

I also wish to draw to your attention a recent independent report produced by ENSPEC Risk Management on behalf of Council relating to the deterioration of a significant tree known as the "Bishops Pine" on the KRS site. Council has recently provided Heritage Victoria, DSE, and developer of the site Walker Corporation with this report. It is recommended that the site management procedures identified in the report be considered by Heritage Victoria to prevent further spread of *Phytophthora Cinnamomi* on this site. Again, I have again attached this report for your convenience.

Amendment to Heritage Permit

It is understood through a review of the Heritage Permit application that the key issues affecting the proposal include:

- a) A reduction in road width on Lower Drive from 6.7m to 5.5m
- b) Change in the location of the intersection of Main and Lower Drive.
- c) Temporary Information Studio
- d) Sites of potential aboriginal significance
- e) Removal of trees numbered 624 & 658

a) Changes to road width on Lower Drive

It is understood that advice has been provided by the Walker Corporation's arborist Rob Galbraith that a reduction in the road width of Lower Drive was required to protect the avenue of Algerian Oaks.

Council has long considered the protection of significant trees on the site, including the avenue of Algerian Oaks on Lower Drive as a key consideration of the redevelopment of this site.

Council officers have discussed this alteration with the Walker Corporation and have no objection to alteration of road widths on Lower Drive in order to preserve the avenues of significant Algerian Oaks.

b) Intersection of Main & Lower Drive

The change in location of the intersection of Main Drive and Lower Drive was foreshadowed in the Walker Development Plan – December 2005 considered by Council. Council officers have no further comment to make regarding this change.

c) Information Studio

An information studio is proposed to be located in accordance with an indicative position shown in the endorsed Walker Development Plan December 2006. The temporary information studio should be located so as not to compromise vegetation covered by the Heritage Registration or the Vegetation Protection Overlay.

It is suggested that suitable conditions be imposed by Heritage Victoria ensuring:

- that the temporary building is located a sufficient distance from significant vegetation (including root protection zones),
- that removal of this temporary building occurs at the conclusion of two years, as stated in the proposal, and
- that the area affected area be properly re-instated once the building is removed.

d) Sites of potential aboriginal significance

There is limited information in the proposal about the impact on areas of potential aboriginal significance. It is suggested that Heritage Victoria seek comment from appropriate Aboriginal peak bodies regarding the protection of sites of potential Aboriginal significance on the site.

e) Proposed removal of trees numbered 624 & 658

The proposal contemplates the removal of two trees known as Tree 624 and 658.

Council is opposed to the removal of these trees on the basis of their cultural heritage significance and contribution to the landscape significance of the site. In its letter to DSE of Council officers have raised concern with the removal these trees with the DSE. Comments provided to the DSE relating to Tree 624 and 658 were as follows:

It is suggested that consideration be given to altering the built form layout to better accommodate retention of Tree 624. In the event that it is decided to grant planning permission for the removal of the tree, it is requested that consideration be given to providing replacement planting using locally indigenous stock.

Tree 658 is a *Eucalyptus melliodora*. (Yellow Box) with a height of 17 metres. Council requests that further consideration be given to retaining Tree 658 and using arboricultural methods (for example bracing of the bifurcated limbs) to assist in the retention of the tree. In the event that it is decided to grant planning permission for the removal of the tree, it is requested that consideration be given to providing replacement planting.

Tree 624 is a *Eucalyptus camaldulensis* (Red Gum) is indicated as having a trunk diameter of 30 centimetres, and is assessed as being in good condition. The reasons for seeking removal of Tree 624 are not stated in either the Collie Planning report or in the attached Galbraith letter of 16 May 2005 to MDG Landscape Architects. In fact within the permit application material supplied to Council, there is no discussion of the basis for seeking removal of this tree.

I trust the above assists Heritage Victoria with its assessment of the Heritage Permit application. Should you require clarification of any of the above, please don't hesitate to call me on the number below .

In relation to these comments, most of the points have been picked up in the conditions. In relation to the removal of the trees 658 and 624, the previous permit application has approved their removal. In relation to the Red Gum saplings, an approach will be made to seek the retention of these trees.

ANY RELEVANT MATTERS RELATING TO PRESERVATION OR CONSERVATION OF THE PLACE OR OBJECT:

Under P9639, the following comments were made in relation to Stages I & II:

An assessment of the impact of this part of the proposal is set out above. [See comments above] While there were a number of objections to this part of the proposal, these concentrate on the loss of a number of significant trees identified in the VHR and also the VPO. A detailed assessment of the case for the removal of the trees was discussed and agreed on site, and it is clear many trees not identified as significant, are to be retained. Overall, subject to conditions relating to a landscape and full tree management plan, it is considered the development of Stage I and II will have an acceptable level of impact on the cultural heritage significance of the registered place

The proposed changes would have a minimal additional impact on the cultural heritage significance of this part of the site. Indeed one of the Red Gums proposed for removal under P9639 is to be retained. This is one of the reasons for a redesign of the layout.

Lower Drive

Lower Drive and in particular its avenue of planting has been identified as significant. An issue which has been discussed at some length with the applicant is the longer-term proposal [as part of Stage II or III] to physical close off of Lower Drive, which is currently accessed off Main Drive, and to access it via a new access road running north of Main Drive.

The proposal is being driven by road access/safety issues, which it is understood have been raised by Boroondara City Council during the Development Plan process. The proposal involves the removal of the current junction and installation of a landscape treatment, although at this stage the drawings are schematic only. It is proposed to mark the line of the current kerb line with bluestone inlay, and to re-instate and re-enforce the current avenue planting so as to retain the visual line of the Avenue when viewed from Main Drive. It is argued in the submission that this proposed treatment will mitigate the impacts of the loss of part of the current roadway.

It is also proposed to narrow Lower Drive by 600 mm on either side, which will reduce the current width from 6.7 m to 5.5 m. This proposal will assist in minimising the damage to existing tree roots, through the required installation of new services, including storm water collection. The existing fabric is not significant in its own right, but rather it is the line of the road and the tree plantings.

AS A RESULT OF THE WORKS TO BE APPROVED UNDER THIS PERMIT, IS IT CONSIDERED THAT NEW PERMIT EXEMPTIONS ARE APPROPRIATE:

N/A

COMMENTS FROM REPORTING OFFICER: See above

RECOMMENDATIONS:

That a permit be issued with the conditions set out in the heritage permit:

1. Standard conditions

OFFICER: R J Osborne

DATED: 13/4/2006

PERMIT: P10367