



kew cottages <kewcottages@gmail.com>

P12879: Preliminary Submission + Request for Extension of time to make further submissions.

Kew Cottages Coalition <admin@kew.org.au>

Mon, Apr 28, 2008 at 4:51 PM

To: "Ray.Tonkin@dse.vic.gov.au" <ray.tonkin@dse.vic.gov.au>

Cc: "Ray.Osborne@dpcd.vic.gov.au" <Ray.Osborne@dpcd.vic.gov.au>, janet.sullivan@dpcd.vic.gov.au, "john.hawker@dpcd.vic.gov.au" <john.hawker@dse.vic.gov.au>

Mr. Ray Tonkin
Executive Director
Heritage Victoria
Level 7
8 Nicholson Street
East Melbourne
Vic 3002

Dear Ray,

Thank you for your letter of 21 April.

I enclose our Preliminary Submission regarding Kew Cottages- Permit Application P12879.

We note that the Application appears to lack a range of important information, and recommend that you request the Applicant to supply further and better particulars to overcome the latter deficit as indicated.

In our submission it would not be in the public interest for Heritage Victoria to proceed further with this application, until all of the information sought, has been provided.

Similarly, once all of the latter information has been provided, and made available to the public, together with the current application, on the Heritage Victoria website, then we recommend the Application be readvertised accordingly.

We, therefore respectfully request an appropriate extension of time to make further submissions to you on this application.

In the event that you proceed as we recommend we would seek an extension of 14 days from the date of re-advertisement.

Or, in the event that you decide to proceed without seeking further information from the applicant, and without re-advertising the application then we respectfully request an extension of 14 days from today (28/4) ie to Monday 12 May 2008

Thank you for your assistance in this matter.

Yours sincerely,

Brian Walsh
President
Kew Cottages Coalition

M. 0414 979 300

enc:

P12879
Unclear and Unsafe.

A Preliminary Submission Kew Cottages Stage 2 - Heritage Permit Application P12879.

Kew Cottages Coalition 28 April 2008

1. The Applicant.

We understand the proposal (P12879) was prepared in March 2008 for

Kew Development Corporation Pty Ltd

by HL CD Pty Ltd

ABN 63083840724

email: hlcd@hlcd.com.au

28 Drummond St Carlton VIC 3053

ph 039654 4801 fax 03 9654 4803

and that Kew Development Corporation Pty Ltd is a wholly owned subsidiary of

Walker Corporation Pty Ltd

We further understand that both Kew Development Corporation and Walker Corporation have been charged with seven breaches of the Heritage Act at Kew Cottages in 2007, and that this is matter still before the courts.

2. The Land

We understand that the land is Crown Land and, and besides being listed on both the State Heritage Register and the National Trust Victorian Register (B7265) is also subject to a number of restrictions and registrations including, but not limited to:

1. The Crown land is burdened by being part of that land proclaimed by the Governor on 19 October 2006 to be a 'residential service' under section 17(1) of the Intellectually Disabled Persons' Services Act 1986
2. The Crown land is burdened by being a part of that land identified in the Eighth Schedule of the Kew and Heidelberg Lands Act 1933, being a portion of the land described in the Second Schedule to the latter Act to be temporarily reserved as a Site for a Mental Hospital
3. The Crown land is part of that land identified as a "Non urban: High ecological and landscape interest value Green Wedge' in the Melbourne Metropolitan Planning Scheme 1984
4. The Crown land is a part of the land identified in Statement of Planning Policy No.4 River Yarra, 1971 and the River Concept Plan Middle Yarra - Dights Falls to Burke Road 1990
5. The Crown land includes part of the land and historic trees identified in a number Section 173 Agreements entered into by the City of Kew (1990) in order to preserve the trees for historic reasons
6. The Crown land is burdened by a Phytophthora Cinnamomi Management Plan, July 2006

3. The Proposal

In our submission the Proposal in its current form is incomplete. It is also both confused and confusing.

It is confused because it proposes a subdivision of the Crown Land in question that is different to the subdivision plan proposal lodged with the Minister for Planning on 29 November 2007, and which according to the DPCD website at the time of writing is still pending and the plan as lodged with the Minister current.

The Proposal is confusing because the plans appended to the Proposal appear to be either inaccurate, or incomplete, or both. For example the Stage 2 subdivision plan (Appendix 2) does not include any of the detailed boundary dimensions or any of the detailed boundary bearings that one would expect to find on a plan of this type. It does not appear to be presented at an accurate scale, and as a consequence it appears to conceal more than it reveals - eg: a number of the historic trees in Main Drive appear to be at risk of ending up within the proposed road reserve (see 5.1 KCC Kew Cottages and Trees.jpg Plan attached)

Nor do the appended plans appear to be consistent with plans previously endorsed by Heritage Victoria. For example it appears Walkers are now proposing to include a large number of the Main Drive Avenue of Heritage Trees, including Oak Trees 136, 134A, 134B, 79, 76, 75, 73, 71, 70, 66, 63, 61, 53, 52, 51, 51A, and 39 in private lots, whereas the endorsed plans, as indicated in our earlier correspondence on this matter, appear to show all of the latter in public open space.

4. Preliminary Recommendations.

We recommend:

4.1 That Heritage Victoria request the Applicant supply full details of their response to the final outcome of the current legal action being taken against them under the Heritage Act in order to better understand:

- Whether the Applicant is a fit and proper person to be granted a Heritage Permit ?
- Whether the current Application should in fact be lodged in the name of the Crown as the owner of the land in question ?
- Whether the details of the Application should be prepared for, and on behalf of the Minister for Community Services, and the Secretary of the Department of Infrastructure as the State' s Representatives nominated by the Premier (2005)

4.2 That Heritage Victoria request the Applicant to provide further and better particulars in response to the questions set out in our annotated attachment of the Applicant' s Statement of heritage Significance. including inter alia:

- to replace all the current Application Plans with properly surveyed, fully dimensioned, and accurately scaled plans

4.3 That Heritage Victoria request the Applicant to either provide evidence that the proposed subdivision plan is either identical to the proposal lodged with the Minister for Planning on 29 November 2007, or in the event that it is an approved amendment to the latter, to provide evidence as to when and on what basis the Amendment was lodged with, and accepted by, the Minister ?

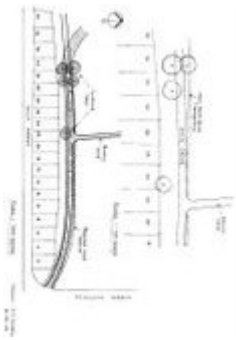
4.4 That Heritage Victoria commission its own independent ' best practice' assessment' (eg: one that is performed under the most appropriate climatic conditions, of the extent of spread of *Phytophthora Cinnamomi* beyond the boundary of the original infestation within Stage 2.

4.5 That Heritage Victoria on receipt of all of the above information will re-advertise the Application and call for further Public Submissions.

5. ATTACHMENTS.

1. KCC Kew Cottages and Trees Road Reserve .jpg D.F. Anderson 18.04.08
2. Preliminary Questions: Annotated Copy of Applicant' s Heritage Impact Statement

2 attachments



KewCott Trees & Road Reserve.jpg
152K



Annotations_QuestionsV1_stage2_heritage_impact_statement.pdf

593K
